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HEARING  
SENATE RULES COMMITTEE  
STATE OF CALIFORNIA

*Legislature*

STATE CAPITOL  
ROOM 113  
SACRAMENTO, CALIFORNIA  
WEDNESDAY, JANUARY 9, 1985  
4:35 p.m.

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1 HEARING

2 SENATE RULES COMMITTEE

3 STATE OF CALIFORNIA

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10 STATE CAPITOL

11 ROOM 113

12 SACRAMENTO, CALIFORNIA

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16 WEDNESDAY, JANUARY 9, 1985

17 4:35 P.M.

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25 Reported by:

26 Evelyn Mizak  
27 Shorthand Reporter  
28





MEMBERS PRESENT

Senator David Roberti, Chairman  
Senator William Craven, Vice-Chairman  
Senator John Doolittle  
Senator Henry J. Mello  
Senator Nicholas Petris

MEMBERS ABSENT

NONE

STAFF PRESENT

Cliff Berg, Executive Officer  
Pat Webb, Committee Secretary  
Rick Rollens, Consultant on Bill Referrals  
Nancy Michel, Consultant on Appointments

ALSO PRESENT

Gloria Sun Hom, Member, State Board of Education  
Kenneth L. Peters, Member, State Board of Education  
Mark Sedway, Member, State Board of Education  
John L. Ward, Member, State Board of Education  
Senator Rose Ann Vuich  
Senator Gary Hart





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P R O C E E D I N G S

--oo0oo--

SENATOR PETRIS: The meeting will please come to order.  
All Rules Committee Members within the sound of my voice are  
invited to join us.

Senator Mello is present, Doolittle is present, Petris  
is present; a quorum is present.

The first order of business will be confirmation of the  
Members nominated for the Board of Education.

Senator Vuich, you have a comment?

SENATOR VUICH: I have a question, and I don't know  
whether someone here has an answer for it or not.

I notice that all four Members to the State Board of  
Education are from geographical areas of California not within  
the confines of the central part --

SENATOR PETRIS: Your district.

SENATOR VUICH: -- the central part of the State of  
California, whether it be Fresno, Tulare, Kern, or Kings  
Counties.

I'm just questioning, on the existing Board membership,  
are there any members? Could you answer that?

MS. BOESE: My name is Sandra Boese, and I am the  
President of the State Board of Education. I am from Merced.

SENATOR VUICH: Okay. Are there any others from the  
central part of the state?

MS. BOESE: At this point in time, no. We do have a  
member from Davis, and we do have members from San Francisco,



1 Palo Alto, Merced, Davis, and then from the southern part of the  
2 State.

3 SENATOR VUICH: You're the only member from Sacramento  
4 to Bakersfield; right?

5 MS. BOESE: We do have a member who is from Davis.

6 SENATOR VUICH: But that's not the San Joaquin Valley.

7 MS. BOESE: No, it isn't.

8 SENATOR VUICH: All right.

9 Those were my questions. I have no objection to any of  
10 these members. I just wanted information.

11 SENATOR PETRIS: You wanted to know about the --

12 SENATOR VUICH: Geographically I don't think we're well  
13 represented.

14 SENATOR PETRIS: You might want to take that up with the  
15 Governor.

16 SENATOR VUICH: I intend to.

17 SENATOR PETRIS: Okay. It's nice to have you with us.

18 We have a request from the Chairman of the Committee  
19 that we take a recess and resume on call of the Chair. Something  
20 dramatic has arisen which has kept him away for a while longer,  
21 and he wants to be here for the confirmations.

22 We'll take a recess until the Chair calls us.

23 (Thereupon a recess was taken.)

24 CHAIRMAN ROBERTI: The meeting will come to order.

25 I apologize to the people who have been waiting so  
26 patiently. This is organization time in the State Senate, and  
27 consequently we are trying to assign committees, and that seems  
28 to be occupying more of our time than we had anticipated.





1           The Committee today will only take up those matters that  
2 are to be heard in open session. We won't take up the Executive  
3 Session matters; we'll try to maybe do that tomorrow.

4           Is there somebody here to take up SCR 6 by Senator Paul  
5 Carpenter, Joint Committee on Refugee Resettlement?

6           Then in the meantime, however, we will take up  
7 Governor's Appointees.

8           Gloria Sun Hom, Member of the State Board of Education.

9           Ms. Hom, we will ask you what we ask all the Governor's  
10 Appointees, and that is why you feel you're qualified to assume  
11 this position?

12          MS. HOM: Thank you.

13          I have prepared just a short statement.

14          CHAIRMAN ROBERTI: Very good.

15          MS. HOM: I'm very honored and grateful to appear before  
16 you today for the Senate Confirmation hearing for the State Board  
17 of Education. I'd like to take this opportunity to tell you a  
18 little about who I am, and why I wish to serve, and what I hope  
19 to achieve.

20          First of all, I'm a fourth generation Californian, and  
21 my roots go deep into this state. My grandfather owned a cannery  
22 in Alviso, California. It was the third largest cannery in the  
23 United States, after Del Monte and Libby.

24          My mother was the first Chinese-American woman to  
25 graduate from Los Gatos High School before attending the  
26 University of California, and she was a high school classmate of  
27 Olivia de Havilland.  
28





1           My father came over as a graduate student with the Boxer  
2 Indemnity Program, and he received his doctorate from Stanford  
3 University.

4           And my husband and his family are all native  
5 Californians, and my three daughters, who are with me today, were  
6 born in Palo Alto.

7           I wish to serve of the Board of Education because I want  
8 the opportunities which have been enjoyed by my family and myself  
9 to be available for following generations. The basis of our  
10 economic opportunity lies in the availability of excellence in  
11 education for all people, and education should be appreciated as  
12 a vehicle to success.

13           I've been a classroom teacher for the past 17 years and  
14 am currently Chairperson of the Economics Department at Mission  
15 College in Santa Clara. I'm in contact with people of all ages  
16 and all walks of life. Not only have I seen where our education  
17 process has succeeded, but also where we have made some mistakes.  
18 I feel I can best reflect these concerns as a Member of the Board  
19 of Education.

20           I'm an economist with a background in government and the  
21 process of government. I understand budgets, compromises, and  
22 consensus politics. I can delineate perimeters as well as the  
23 priorities of good government, and education is the cornerstone  
24 of our democracy. It is our legacy of freedom. Therefore, the  
25 level of excellence must be protected and maintained so that the  
26 quality of life to which we are so accustomed will remain.

27  
28



1 I believe this is the best system of government ever  
2 devised. It requires a great deal of responsibility on the parts  
3 of all of us.

4 I have something to contribute, and I would be derelict  
5 in my responsibility if I did not participate.

6 Lastly but not leastly, I'm a very energetic person, and  
7 I will guarantee to you that I will work with unmatched vigor and  
8 energy as a Member of the Board of Education.

9 Thank you for your patience, and I'm ready for your  
10 questions, Senator.

11 CHAIRMAN ROBERTI: Thank you very much.

12 Before we have questions, is there any opposition in the  
13 audience?

14 Seeing none, any questions?

15 I might point out also that we've been joined by Senator  
16 Gary Hart, the Chairman of the Senate Education Committee, who  
17 will be free to ask questions.

18 Senator Mello, you had a question?

19 SENATOR MELLO: Well, Mr. Chairman, I think I would  
20 yield to Senator Hart if he had any questions. That would  
21 probably satisfy some of mine.

22 Are you going to ask some questions?

23 CHAIRMAN ROBERTI: Senator Hart.

24 SENATOR HART: I wanted to ask one question.

25 In your statement, you mentioned that you have been a  
26 teacher, and you witnessed the successes as well as the mistakes.

27

28





1 I was curious as to whether there are areas where you  
2 feel there are particular weaknesses or mistakes that have been  
3 made in the public education system in California from your own  
4 personal experiences?

5 MS. HOM: Senator Hart, first of all, I'm a teacher in  
6 the community college sector, and we get a wide range of skills  
7 and abilities.

8 Certainly in the past, I would say in the past five  
9 years, one of the areas that I think we can improve upon is in  
10 the basic skills.

11 I think certainly with your bill, SB 813, and with your  
12 help that we are doing something, and we're seeing achievement  
13 scores go up.

14 SENATOR HART: Thank you.

15 CHAIRMAN ROBERTI: Are there any further reforms in  
16 education for K-12 that you would advocate as a Member of the  
17 State Board, over and above those which were implemented in  
18 SB 813?

19 MS. HOM: I'm sure there will be, Senator. It's just  
20 that I right at this time can't think of any right off hand.

21 Senate Bill 813 was fairly comprehensive, and we're now  
22 looking at how it's actually working.

23 CHAIRMAN ROBERTI: Any other questions?

24 SENATOR MELLO: Mr. Chairman, I'd like to briefly ask:  
25 Do you feel there are any unmet needs in our educational program  
26 in the State of California?

27 MS. HOM: Oh, I certainly do. I mean --  
28





1           SENATOR MELLO: Could you just enumerate some of the  
2 ones you think are most important that we should start addressing  
3 very vigorously?

4           MS. HOM: Well, I think that certainly teachers'  
5 salaries is one.

6           When you talk about unmet needs, you're talking  
7 educational needs of our children, or the needs of our schools?

8           SENATOR MELLO: Well everything, the whole achievement  
9 program, which I think is all tied together with both teaching  
10 and programs.

11           How would you address the teacher salary issue?

12           MS. HOM: Well, certainly I think for a start, I think  
13 SB 813 at least has addressed bringing teachers' salaries up to  
14 \$18,000, or at least almost 18 for a start. It hasn't quite  
15 taken off that way, but that's how it was conceived, if I'm not  
16 mistaken. And I think that's for a start.

17           Then I think we have to raise the esteem of teachers,  
18 and the respectability, and the responsibilities of teachers.

19           SENATOR MELLO: I think what's happened in the last few  
20 years, though, while our teachers' salaries are dragging along,  
21 what's even, I think, more glaring is that we're 49th out of 50  
22 states in our class size. So, it's going to take so much more  
23 money if we're going to reduce class size. That takes a lot of  
24 money, and the question is: Does extra money go into class size  
25 or to teachers' salaries, in your opinion?

26           MS. HOM: Well, I guess we should, you know, the best  
27 situation of course would be to do both. Not being able to do  
28 both, I think we have to certainly look at each situation.





1           In my district, as you know, the teachers' salaries are  
2 fairly high, and that's because we have senior teachers in our  
3 district, and that's one of the real problems; the costs are  
4 fairly fixed, and we have declining enrollments, and so teachers'  
5 salaries may not be that low, but certainly in some other areas  
6 of the state, the starting teachers' salaries are really low. It  
7 depends.

8           SENATOR MELLO: What's your views on bilingual  
9 education?

10          MS. HOM: Well, sir, I'm personally bilingual, and I  
11 think it's important that people know as many languages as they  
12 can. However, in a six-hour day in terms of school time, I think  
13 it's important that they become very conversant in English.

14          I would like to see, certainly, that we have an ESL  
15 program, English as a Second Language, and that we make the  
16 bilingual program a transitory program, where we get students in  
17 and we also get them mainstreamed into the --

18          SENATOR MELLO: How do you get a student to be  
19 conversant in English if they're non-English speaking?

20          MS. HOM: Well, the ESL program, I understand, does  
21 that. It tries to get them into the mainstream.

22          SENATOR MELLO: Thank you.

23          CHAIRMAN ROBERTI: Let me ask you a few questions on  
24 some controversial items that you will be, I guess, generally  
25 faced with as a Member of the Board.

26          Number one is, there are various modes that have been  
27 discussed or presented in alternative forms as to prayer in the  
28 public schools.



1           Would you favor a system of prayer in the public  
2 schools; a silent moment in lieu of prayer in the public schools;  
3 if so, what kind?

4           MS. HOM: One, I think there should be a division  
5 between church and state. I want to make that very clear.

6           I don't necessarily believe that we should have prayer  
7 in the public schools, but I would not be opposed to having a  
8 moment of silence in public schools.

9           CHAIRMAN ROBERTI: We have a system of both public and  
10 private education from first grade on, and some proposals to come  
11 to the assistance of private education have been the voucher  
12 system; other people have proposed tax credits for taxpayers  
13 whose children are in private schools or parochial schools.

14           What would your position be on either of those?

15           MS. HOM: One, I don't think I'd have the opportunity to  
16 vote on any of those, and certainly --

17           CHAIRMAN ROBERTI: I really do think you have to come in  
18 with an opinion, and I think it's important.

19           We vote on them if they are ever presented, but the  
20 State Board of Education does have a history, and legitimately  
21 so, of lobbying us on a whole wide range of matters. Certainly  
22 their concept, just as, say, a teachers' organization's concept,  
23 of how much is done for the private schools effects public  
24 education.

25           So, that being the case, I recognize you wouldn't vote  
26 on it, but I would be interested in what direction you would like  
27 the State Board to move as far as its public policy posture is  
28 concerned?





1 MS. HOM: I'd like to take the questions one at a time.

2 First let's start with tuition tax credits. I have a  
3 real problem with that in terms of tuition tax credit. I think  
4 there's a conflict between church and state, depending on whether  
5 or not you're going to give the tax credit to a religious school  
6 or just a private school. I think there is somewhat of a  
7 conflict there.

8 The federal proposal for tuition tax credit is fairly  
9 minimal in terms of how much the education actually costs to how  
10 much tax credit you actually receive. And I think the current  
11 proposal is only \$250 a year. I don't know any private school  
12 that certainly you could send a child to for \$250 a year, so it's  
13 really a minimal amount. I don't think it's a very substantial  
14 amount that we're talking about.

15 In terms of the voucher system, certainly the community  
16 colleges have become somewhat like -- not necessarily like a  
17 voucher system, but we used to have districts, and you used to  
18 have to go to the school where you had your property tax base,  
19 you were paying a property tax base in a district. And now you  
20 can decide to go almost anywhere since most of the money comes  
21 from the State of California.

22 I think the system is better that way, to be honest with  
23 you, that the student can decide on what school the student would  
24 like to go to.

25 I don't know whether or not it'll work in the elementary  
26 systems, because I don't believe that the parents would have  
27 certainly the facilities to transport them from one school to  
28





1 another. I don't know how practical a voucher system would be in  
2 terms of the elementary schools.

3 The areas that it has been used, it has not been  
4 successful, and all the studies have come back that way.

5 CHAIRMAN ROBERTI: Very good.

6 Another issue that comes up, and that came up before the  
7 Board of Education a couple of years ago, was the teaching of  
8 Creationism as it appears in "Genesis" as an alternative to  
9 evolution in science courses.

10 Do you know what I mean?

11 MS. HOM: I do, sir.

12 CHAIRMAN ROBERTI: What would your stand or view be?

13 MS. HOM: To be honest with you, I truly do not have any  
14 opinion on that. I haven't really studied the issue, and that is  
15 one of the areas that I don't have any strong opinions either  
16 way.

17 CHAIRMAN ROBERTI: So, you don't come in with any  
18 formulated position ahead of time?

19 MS. HOM: No, I don't.

20 CHAIRMAN ROBERTI: In my district, one of the major  
21 problems of the schools, in my mind the major problem, more than  
22 the number of teachers, more than text books being available, is  
23 the fact that some of the schools are overcrowded.

24 It makes no difference whether we have incentives for  
25 the students, returning of special programs that have been lost  
26 because we'd have to teach the kids in the cafeteria or in the  
27 school yards. There just is no location for them.  
28



1 Overcrowding is, in some core districts, is in  
2 abominable proportions.

3 Do you have any ideas, thoughts, as to what we should do  
4 on that, especially as far as prioritization of state monies is  
5 concerned?

6 MS. HOM: Well, I think that's certainly one of the  
7 major goals, to get class size, as Senator Mello was inferring,  
8 down to a workable size. And I think that, certainly, with the  
9 Governor's proposed budget of an increase of 10 percent, that  
10 should be a major priority, to provide for smaller class sizes in  
11 those areas that are impacted.

12 CHAIRMAN ROBERTI: Do you favor a system of merit pay  
13 for teachers who are in impacted areas?

14 MS. HOM: I have a really big problem with merit pay;  
15 however, I also have a problem the other way.

16 I teach, and I find that once in a while we do need  
17 certain incentives to provide excellence. And maybe that is in  
18 some form of a merit pay.

19 I hate to see us go totally to merit pay, but I think we  
20 should have some incentives.

21 CHAIRMAN ROBERTI: If we had incentives, who would make  
22 the decision whether a teacher reached the threshold?

23 MS. HOM: Well, that certainly is a major problem. I  
24 know at the university level it's their colleagues, and I don't  
25 think it works very well even at the university level. But I  
26 think that it's something that we should look towards.

27 CHAIRMAN ROBERTI: Any other questions?  
28





1 Senator Petris.

2 SENATOR PETRIS: I want to get back to the salary.

3 We reached the goal in 813 to start out at 18,000 a year  
4 as a starting goal; isn't it?

5 SENATOR HART: Over a three-year period, that is our  
6 intention, and there's a match with the state, but it hasn't been  
7 working out in school districts. There are some school  
8 districts, like L.A., that are already above 18, but most school  
9 districts are at 14 or 15, or maybe 16 for beginning teachers'  
10 salaries.

11 SENATOR PETRIS: Shouldn't the State Board be playing a  
12 real big role in trying to upgrade our whole system by attracting  
13 better and better teachers? And in the good old American  
14 tradition, what you attract them with is a higher salary, I  
15 suppose?

16 Shouldn't the Board be really beating the drums for that  
17 around the state?

18 MS. HOM: Well, we certainly are, Senator. One of the  
19 major concerns on the State Board is teacher quality, and how we  
20 can get the most qualified people in those jobs.

21 It's not only teachers' salaries, I'm sure you know, but  
22 it's also providing a really excellent curriculum, a curriculum  
23 that all teachers can be really proud of having in the schools.  
24 I think that's a lot of it.

25 We're looking into that, certainly. We have looked into  
26 it this past year that I've been on the Board, and I'm certain  
27 that it's going to be one of the major topics in the future.  
28



1           SENATOR PETRIS: How does the Board intend to improve  
2 the curriculum? Will you be making suggestions to us to the  
3 extent that we want to get into that, and to local school  
4 districts?

5           MS. HOM: One of the things that we're doing at this  
6 session is that we're looking at approving the curriculum  
7 framework for text books. And we want to make sure that the text  
8 books are up to the standards that we would like to see. And we  
9 feel very strongly that this is part of the curriculum building.

10          SENATOR PETRIS: Does that mean a lot of text books now  
11 are not up to the standard? Have they been slipping?

12          MS. HOM: I think even the text book publishers would  
13 agree to that, that the standards have been slipping a little  
14 bit.

15          SENATOR PETRIS: How about counseling? I understand  
16 that's been slipping also. A lot of schools don't even have  
17 counseling any more for students; they don't have counselors on  
18 the staff.

19               Is that a good thing? Are we better off getting rid of  
20 them, or should we try to upgrade our counseling and get more and  
21 better ones at different grade levels?

22          MS. HOM: Well, I definitely think we should have more  
23 counseling. However, after Prop. 13, with the limited budget,  
24 counselors were the first to go.

25               Actually the history behind why they were the first to  
26 go was all the surveys that were taken. The parents seemed to  
27 feel that counseling was an area where they were least satisfied,  
28





1 in all the studies that I have seen. And the problem with that  
2 was that they weren't really sure what the counselor was supposed  
3 to do, and what kind of counseling was being provided; whether it  
4 was personal counseling or career counseling.

5 I'd like to see, certainly, counseling restored, but in  
6 the career area, especially in the upper grades and the college-  
7 bound students.

8 SENATOR PETRIS: How about counseling parents in those  
9 areas where they don't seem to show much interest in what their  
10 children are doing?

11 MS. HOM: I think that would be an excellent suggestion.  
12 That's a difficult one.

13 SENATOR PETRIS: Do we have any counseling for parents  
14 in your bill?

15 SENATOR CRAVEN: Sounds like a natural for John  
16 Vasconcellos.

17 SENATOR HART: We did have a provision for counseling  
18 for 10th grade students, feeling that that was a really important  
19 year for a modest amount. But we were trying to send a message  
20 that we thought the counseling services, as the witness mentions,  
21 have been underfunded in recent years.

22 I think that program's been well received. It's  
23 oriented towards the student, not towards the parents.

24 Involving parents is obviously a critical dimension.

25 MS. HOM: I think that Superintendent Honig has a  
26 program going on now where teachers are also parents, or parents  
27 are also teachers, which involves more parent participation.  
28



1           SENATOR PETRIS: A lot of our children need child care;  
2 a lot of our schools need child care facilities. I have a  
3 statement here that there's about a million children in our  
4 schools that have working mothers, and only a third of them are  
5 able to get any kind of child care.

6           For many years child care was a wonderful, noble word  
7 until it came to an appropriation, and then it became a dirty  
8 word. In some parts of this building it's still a dirty word.

9           Don't you think we should have some greater concern  
10 about child care for people in that situation, and that we should  
11 provide more than we now have through the schools and elsewhere?

12          MS. HOM: I think it's very important. As an economist,  
13 this way we can get more working people or more parents out in  
14 the job market and certainly able to provide a better livelihood  
15 for themselves. And I think child care is a very important  
16 dimension.

17          SENATOR PETRIS: Do you meet with the Governor from time  
18 to time as a Board, or individually, to discuss policy issues?

19          MS. HOM: Only when he wants to meet with us, sir.

20          CHAIRMAN ROBERTI: Not too much different from us.

21                               (Laughter.)

22          SENATOR PETRIS: You mean you have that experience, too?

23          Well, you know, he vetoed that latch key legislation and  
24 certain child care legislation. And I'm thinking it's nice for  
25 us to talk about it and support it, but the Legislature has  
26 already shown where it stands on this, and we passed legislation.  
27 One of them happened to be a Senate Bill, but the Governor vetoed  
28 it.





1           It seems to me if the Board is going to do more than  
2 just be an overseer of some kind, if the Board is going to try to  
3 make policy -- after all, when people are appointed by the  
4 Governor, they're praised for their qualifications, as you have  
5 been, and the suggestion is that this person is going to make a  
6 real contribution to the Board.

7           Well, what does that mean? It means a contribution to  
8 the K-12 education in this state.

9           I would urge you and other Members of the Board not to  
10 be shy about trying, ever and ever harder, to persuade the  
11 Governor to go in the directions that you, as a group of people  
12 experienced in that field, think will be an improvement.

13           There's a lot of wishful thinking. We say: Yeah,  
14 that's a great program. We should teach our kids to read and  
15 write. And then we're with you right down to the roll call, then  
16 we peel off. We're with you until somebody says: We need an  
17 appropriation. Well, you can't have an appropriation 'cause that  
18 costs money. And if it's going to cost money, people are going  
19 to complain.

20           Now, the Governor has made a very good impression on the  
21 education community with his support of the university last year  
22 and the state university system, and finally came in with some  
23 additional money beyond what he had originally wanted to do for  
24 K-12.

25           But every time I look at one of these recommendations,  
26 yours included, I see dollar signs. And that's where I see  
27 people jumping off the ship. And those two have to be tied  
28 together.



1 I don't know whether I'm asking you a question or just  
2 leaning on you to try to get you to lean on the Governor.  
3 Probably more that latter. But I would invite your reaction to  
4 that.

5 I mean, you say: child care, we need child care. Okay,  
6 that takes money. And I haven't seen the veto message, but it  
7 probably had to do with money, as most veto messages do under all  
8 governors. You know, I'd like to do that, but we don't have the  
9 money. Some are willing to go out and scrounge for it, and some  
10 are not. I think it's time to scrounge, especially when the  
11 economy is picking up, and everybody's raving about the  
12 improvement -- all of us, me included -- the improvement in the  
13 economic situation. I think that's marvelous.

14 The question is: What are we going to do with this  
15 money? Where are we going to put it?

16 MS. HOM: In regards to child care, actually I had  
17 called the Governor's office when he vetoed the latch key bill.

18 I'm under the impression that he is coming up in this  
19 session with his own bill that will be equal to the money  
20 appropriated in the latch key bill that you had proposed.

21 SENATOR PETRIS: We lose a year in the meantime.

22 MS. HOM: That's correct.

23 SENATOR PETRIS: It's better than losing two, I guess.

24 MS. HOM: And I'm sure we on the Board will try with  
25 vigor to lobby him on the child care situation.

26 SENATOR PETRIS: I guess that's what I was trying to  
27 fish for. Thank you.





1 CHAIRMAN ROBERTI: Any further questions?

2 SENATOR HART: One follow-up question to Senator Mello's  
3 question about bilingual education.

4 What I heard you say was that you were in favor of  
5 transitional programs, and then you were in favor of ESL. ESL,  
6 as I understand it, is where English is the language by which  
7 limited-English or non-English speaking children are taught.

8 A bilingual program, however, is one where at least a  
9 portion of the instruction is in the student's native language,  
10 taught by a teacher who has some familiarity with that language  
11 other than English.

12 Are you in favor of some limited forms of bilingual  
13 education, or is your only interest or support for these kinds of  
14 programs limited to ESL?

15 MS. HOM: I have a really hard time with that, because I  
16 see a lot of my students who have gone through the bilingual  
17 program, and now they're not fluent in either language, in  
18 English or in whatever language was their native language.

19 Just on a personal basis, it bothers me because the  
20 business community is in English. I mean, the quality jobs today  
21 are in English. And I think in some respects we are short-  
22 changing our young people in terms of not providing quality  
23 English for them.

24 SENATOR HART: So, you feel that a bilingual program is  
25 a step backwards and does not lead to transition ever?

26 MS. HOM: Oh, no. I'm not saying that it does not lead  
27 to transition ever.  
28



1 I'm just saying that I think we have to scrutinize the  
2 purpose of why we're setting up a bilingual situation. And if  
3 it's for the sake of the individual getting out of our schools  
4 and being fairly conversant in their native language, and yet the  
5 native language is not the language that they can actually get a  
6 quality job in, then I think we have to reassess our goals.

7 CHAIRMAN ROBERTI: Thank you very much.

8 Do I hear a motion?

9 SENATOR CRAVEN: So move.

10 CHAIRMAN ROBERTI: Senator Craven moves Ms. Hom's  
11 confirmation be recommended to the Floor do pass.

12 The Secretary will call the roll.

13 SECRETARY WEBB: Senator Doolittle.

14 SENATOR DOOLITTLE. Aye.

15 SECRETARY WEBB: Senator Mello.

16 SENATOR MELLO: Aye.

17 SECRETARY WEBB: Senator Petris.

18 SENATOR PETRIS: Aye.

19 SECRETARY WEBB: Senator Craven.

20 SENATOR CRAVEN: Aye.

21 SECRETARY WEBB: Senator Roberti.

22 CHAIRMAN ROBERTI: Aye.

23 The vote is five to nothing, confirmation is recommended  
24 to the Floor.

25 Congratulations.

26 MS. HOM: Thank you very much.

27

28





1 (Thereupon there was a brief break  
2 in the proceedings as legislative  
3 matters were discussed.)

4 CHAIRMAN ROBERTI: Next is Mr. Kenneth L. Peters, Member  
5 of the State Board of Education.

6 Mr. Peters, we'll ask you the same question we asked Ms.  
7 Hom: Why do you feel you are qualified to assume this position?

8 MR. PETERS: I bring 43 years of experience in the State  
9 of California as a teacher, as a vice-principal, as a principal,  
10 and Superintendent of Schools. It's with this background and  
11 experience and a heavy commitment that I felt that I could make a  
12 contribution to public education in a different role on a policy  
13 making body, a Governor's body, rather than as an administrator.

14 I have the time. I retired two years ago, and I have  
15 the energy. And it's my feeling that I am in a position to be  
16 helpful.

17 CHAIRMAN ROBERTI: Thank you very much.

18 First, is there any opposition?

19 Any questions? Senator Petris.

20 SENATOR PETRIS: How long have you been on so far?

21 MR. PETERS: Since -- let me think that through --  
22 April, I think, was my date.

23 SENATOR PETRIS: You heard the question we asked the  
24 prior nominee. If there's something there that caused you to  
25 think you have an answer for it that we should hear, I would  
26 invite you to do it. But in the meantime, I've talked to some  
27  
28



1 teachers, and I've talked to some principals and other  
2 administrators. The very common response I get is: Well, you  
3 people up there in Sacramento are operating with your head in the  
4 clouds, and you talk to each other and a lot of so-called  
5 experts, but you don't get into the classroom, and you don't talk  
6 to enough teachers, or the local school administrator within the  
7 school, like a vice-principal or a principal.

8 Now, you're on the Board. You now have the power to at  
9 least recommend policy.

10 If I were to give you a magic pen that says: Correct  
11 all our defects -- it's probably an unfair question, but that's  
12 why you're there -- what would you do, having in mind, at least  
13 that I'm aware, that we have a tremendous variety around the  
14 state?

15 In my own district, and it's probably no different from  
16 others, there are some of the finest public schools in the state,  
17 super achievers. And there are others that are about the worst  
18 in the state. We have everything in between.

19 You've got the magic pencil. You draw the plan that's  
20 going to bring everything up to snuff in the new golden age of  
21 California.

22 MR. PETERS: Senator, as an addition to my opening  
23 statement, I would indicate that I felt I could make a  
24 difference. That's why I made myself available and actually was  
25 very pleased when the appointment came through.

26 I think there is much to be done. I think there is  
27 evidence that it's under way in California. I think we slipped  
28





1 over a period of years, and I feel comfortable with some of the  
2 reforms in place in 813, and the fact that dollars are now  
3 becoming more available in terms of support of public education,  
4 that there is the opportunity now to work on those areas that  
5 maybe will really make a difference.

6 One is the quality of teachers and the commitment to  
7 teaching. I think this is one of the real jobs in terms of  
8 recruitment, in terms of training, and in terms of commitment. I  
9 think there's much that can be done there.

10 I don't see in the future the critical problem being  
11 quantity of teachers, as many suggest. I think the critical  
12 problem is becoming quality, and the efforts to recruitment into  
13 the teaching profession the best people in order to give that  
14 type of expertise in terms of teaching and technique, and so  
15 forth, to youngsters. So, that's where I start. I start with  
16 the --

17 SENATOR PETRIS: What are the main obstacles in  
18 recruiting? Is it salary? Is it working conditions? Is it poor  
19 curriculum over which the teacher feels frustrated and says: I'm  
20 not going to work with that; I can't teach anybody with that?

21 MR. PETERS: Good teachers, Senator, can handle good  
22 teaching under a variety of circumstances. But I think there are  
23 a combination of factors that drove many people away from  
24 education.

25 One happened to be salary, no question about it.  
26 Salaries were not competitive in the market place for background  
27 and training requirements.  
28



1 I think we're doing a little better. I think there's  
2 room to go in that arena.

3 Working conditions; no question that in many situations  
4 working conditions were not attractive, and there's still much to  
5 be done there. I think the State Board, the State Department,  
6 has a requirement in that arena.

7 Somewhere bringing back that which we once had, the  
8 status and dignity of the teaching profession. That's kind of a  
9 subtle unmeasurable type of thing, but it has to be there.

10 And it seems to me in the last five years, there's been  
11 evidence that people have realized that you have to attract into  
12 this profession quality people if you're going to get quality  
13 results.

14 So, I hope that with my colleagues -- and I'm impressed  
15 with the membership of the State Board in the brief time I've  
16 been there, and the types of things that they're looking at;  
17 they're in line with trying to move California in terms of its  
18 total program to the top. I would certainly subscribe to that.

19 CHAIRMAN ROBERTI: Senator Hart.

20 SENATOR HART: Briefly, Mr. Chairman and Members, Mr.  
21 Peters has a distinguished career as a school administrator. I  
22 think he will bring a tremendous amount of leadership to the  
23 State Board.

24 I would enthusiastically support his confirmation.

25 I'd like to ask him maybe a selfish question. I'm  
26 curious as to the role of the State Board in the brief tenure  
27 that you've had.  
28





1           It seems to me, as I see it, that the Board primarily  
2 implements regulations in response to laws passed by the  
3 Legislature. They don't much adopt policies as implement  
4 regulations. They also deal with text books, and they also have  
5 a special relationship with the Superintendent of Public  
6 Instruction.

7           I'm curious if you share that sort of description of the  
8 role of the Board, and if you see that there is a healthy  
9 structural or legal relationship between the Board, and the State  
10 Superintendent and the Legislature? Are there deficiencies there  
11 that we ought to be taking a look at?

12           MR. PETERS: At the present time it seems to me that,  
13 again a brief look at the scene, that the Board, operating as it  
14 does in terms of policy in significant situations, and it has to  
15 do with curriculum guidelines, it has to do with text books, it  
16 has to do with some control in terms of credentialing, factors in  
17 terms of testing. There's a broad range of responsibilities  
18 which the Board has.

19           It seems to me that they are moving in that direction.  
20 The State Superintendent sits with the Board as its Executive  
21 Officer during the course of their regular monthly meetings. He  
22 recommends, the Department recommends, and rather typical to even  
23 a school district in operation, the function is recommendation  
24 from the administrative staff and action by the Board of  
25 Education with, I'm finding, some probing questions and some  
26 disagreement in terms of staff recommendations, some taking items  
27 off of the calendar because the recommendations were not refined.  
28



1 I think there's no rubber stamp implication at all as I  
2 see it between the Department and the State Board of Education.  
3 They ask very good questions, and they take a position which  
4 sometimes doesn't thrill administrators, like my boards over the  
5 years took some that didn't always thrill me, but they had a role  
6 to play, and that role was a protective role in terms of action.

7 I would like to see a closer identity with the  
8 Legislature and with the Governor. I'm not sure how the  
9 time-frame and the commitments of all parties concerned work, and  
10 whether really the necessary engineering is that the State  
11 Superintendent has to be that liaison with the Legislature and  
12 the Governor. But I would certainly enjoy a closer liaison.

13 CHAIRMAN ROBERTI: Any other questions?

14 Are there any circumstances under which you would think  
15 that a voucher system or tax credits would be warranted for  
16 private school children?

17 MR. PETERS: I opposed the last go around of the voucher  
18 system, John Coons' measure. We debated it across the country,  
19 as a matter of fact. I frequently had hoped he wouldn't be quite  
20 as powerful a person as he is in terms of some of his  
21 convictions, but I opposed the voucher system because I think it  
22 would have led to chaos.

23 The only district I know, public district I know, in  
24 California that used it, the Superintendent campaigned against  
25 the voucher item.

26 Tax free credit tuition, if that would go to private  
27 institutions of higher learning, I have a senior at Princeton, I  
28 would go for almost anything in terms of tuition right now.





1 (Laughter.)

2 CHAIRMAN ROBERTI: Are there any situations, then, in  
3 which you would either support or acquiesce to prayer in the  
4 schools?

5 MR. PETERS: I would not. I believe strongly in  
6 separation of church and state, and prayer in the public schools  
7 I would not subscribe to.

8 CHAIRMAN ROBERTI: What would be your suggestions about  
9 what we could do with overcrowding in certain schools?

10 MR. PETERS: That's close to home. The large cities of  
11 course have tremendous problems in this regard, and it isn't  
12 unique to Los Angeles.

13 I am not convinced that the large-scale busing programs  
14 on a mandatory basis have worked to the benefit of children. If  
15 the distance factor could be accommodated, and the distance could  
16 be reasonable, and to capitalize on a voluntary basis on an  
17 excellent part of the program in Los Angeles, then I think some  
18 of the under-utilized schools could be used more effectively.

19 Of course, size is one of the primary factors, the  
20 demographics which lead to under-populated schools.

21 Let me put it this way: I'm pleased in one regard that  
22 there's been a movement in the last two or three years to sell  
23 some school sites and to utilize that money to build new  
24 facilities in areas, or to improve those facilities where the  
25 needs are tremendous.

26 CHAIRMAN ROBERTI: Thank you.

27 Any other questions?  
28



1           Hearing none, do I hear a motion?

2           SENATOR MELLO:   So move.

3           CHAIRMAN ROBERTI:  Senator Mello moves that Mr. Peters'  
4 nomination be recommended to the Floor do pass.

5           Secretary will call the roll.

6           SECRETARY WEBB:  Senator Doolittle.

7           SENATOR DOOLITTLE:  Aye.

8           SECRETARY WEBB:  Senator Mello.

9           SENATOR MELLO:  Aye.

10          SECRETARY WEBB:  Senator Petris.

11          SENATOR PETRIS:  Aye.

12          SECRETARY WEBB:  Senator Craven.  Senator Roberti.

13          CHAIRMAN ROBERTI:  Aye.

14          SENATOR MELLO:  Could you hold the roll open for Senator  
15 Craven?

16          CHAIRMAN ROBERTI:  I would normally, but we're going to  
17 recess, and I think Mr. Peters knows Senator Craven would vote  
18 for him.  I think he'd rather be sure that his confirmation was  
19 taken care of nice and quickly.

20          So, the vote is four to nothing, confirmation is  
21 recommended to the Floor.

22          Congratulations.

23          We are going to recess for about a half hour, and then  
24 we will be back at a quarter of six.

25          (Thereupon a recess was taken.)

26          CHAIRMAN ROBERTI:  The Committee will come to order.





1           Our next appointment is Mr. Mark Sedway, Member of the  
2 California State Board of Education.

3           Mr. Sedway, we'll ask you the same question we asked the  
4 other Governor's appointees, and that is: Why do you feel you're  
5 qualified to assume this position? You don't look very old.

6           MR. SEDWAY: No, if you didn't know already, I am the  
7 student member of the State Board of Education.

8           As student member, I am in a unique position and serve a  
9 unique purpose. I perform dual roles, essentially, as student  
10 member. In one sense I am a full Board Member, as I have full  
11 voting privileges, and thus perform the full duties and  
12 responsibilities assigned to Board membership.

13           By the same token, I am a student representative of  
14 California's 4 million students, and thus am paced by a sense of  
15 my own priorities and preferences as a student. I essentially  
16 charge myself with injecting a student perspective into  
17 administrative decisions, ideally enabling administrators to  
18 better understand the implications of their decisions.

19           Because I do have a unique position, the nature of my  
20 qualifications are unique as well. I have been a student of  
21 public education for 12 grades, essentially, and have had many  
22 positions that have afforded me with what I consider a good  
23 perspective on public education in general. Among many offices  
24 held, I am the student body president of my high school, and have  
25 been editor of the school newspaper. In addition, I've served on  
26 the local board of education, which has helped me in many ways on  
27 the State Board of Education.  
28



1           Ideally, by the end of my year term, I will have made an  
2 impact as a student representing the student perspective on the  
3 Board, as a student who has full voting privileges.

4           CHAIRMAN ROBERTI: Very good.

5           Are there any questions of Mr. Sedway?

6           Let me ask you a couple questions.

7           One of the main problems with education in our state is  
8 student dropout. What do you think are some of the reasons for  
9 that, and what do you think the Board ought to do to try to  
10 ameliorate the situation?

11          MR. SEDWAY: I think it's a significant problem. One of  
12 the things we must do in education is establish our priorities.  
13 There are many problems, and many different things we can  
14 concentrate on, but we should concentrate on the most important,  
15 and student dropout is very important.

16          I think this can be attributed to a number of factors.  
17 One is that students are becoming a bit disillusioned with their  
18 own education, which is a result of declining conditions in many  
19 classroom situations.

20          Another is that they receive very little or no guidance  
21 as far as their high school careers and careers in postsecondary  
22 education, as well as what they'll do after their education. And  
23 I think that one of the most significant problems in education  
24 right now is a lack of counseling for students, and students need  
25 to have better guidance for their career as well as for their  
26 education.





1           Senator Hart mentioned the 10th grade counseling program  
2 that was included in SB 813. Another problem that should be  
3 concentrated on is counseling for 11th and 12th graders and  
4 students who are going to continue. But the counseling for the  
5 most part should begin at an early stage, and students should  
6 know that they have adults who are supervising their own  
7 education, and students should know that they have people who  
8 care about what they are doing in the schools.

9           I think by improving those programs, I think you'll  
10 preclude that student dropout, which is a significant problem to  
11 a certain degree.

12           CHAIRMAN ROBERTI: Any other questions?

13           Do you think there should be prayer in schools?

14           MR. SEDWAY: No, I don't. I have a lot of problems with  
15 that, and my problems don't result from any moral opposition as  
16 much as from a practical standpoint.

17           I think that there are a lot of problems, as I said, in  
18 education, and we should concentrate on the most important ones.  
19 I think that by concentrating on prayer in the schools it will  
20 cause more problems than it will solve, and I think it's  
21 confusing the issue as much as giving us some assurance and  
22 guidance.

23           CHAIRMAN ROBERTI: Do you think there could be benefits  
24 from something like a voucher system in the State of California?

25           MR. SEDWAY: No, I don't. I think that people in  
26 private education as well as public have an obligation to the  
27 public school system. The ultimate purpose of the public system  
28



1 is to improve the society we live in. I think everyone has an  
2 obligation to that improvement.

3 In addition, I think that by giving more added benefits  
4 to the people involved in private education, we are sort of  
5 defeating the purpose of equity and equality that I think we all  
6 seek in our efforts in education.

7 I think we should neither give them added benefits nor  
8 give them disadvantages, but should keep both people in public  
9 and private systems on an equal level.

10 CHAIRMAN ROBERTI: An issue which has come up in some  
11 court decisions recently, very interesting, but may begin to have  
12 some impact in California, is that federal courts have now  
13 indicated that some forms of Christmas displays are illicit.

14 Would you favor Christmas displays, say, of Nativity  
15 scenes, or would you permit those in the public school system if  
16 you were the only vote?

17 MR. SEDWAY: I would permit those. I think it's  
18 essential to separate education from religion, and I believe  
19 strongly in what many of the other Board members have said before  
20 me.

21 I have no problems with presenting a Christmas scene as  
22 long as there's a Chanukah scene presented presented in the same  
23 location. And I think that by all accounts religion should be  
24 avoided in education, but if it is essential as many people  
25 consider it, then we should give equal access and concentration  
26 to different religions.

27 CHAIRMAN ROBERTI: Any other questions? Senator Petris.  
28



1 SENATOR PETRIS: Are you still a student at San Rafael  
2 High?

3 MR. SEDWAY: Yes, I am.

4 SENATOR PETRIS: What do you want to be when you grow  
5 up?

6 (Laughter.)

7 MR. SEDWAY: That's a question I've been asked  
8 frequently. My answer is: I don't know.

9 I'm a spontaneous person, and I'm experimenting with  
10 different things. Right now, my major probably will be something  
11 relating to political science or English.

12 CHAIRMAN ROBERTI: He hasn't decided who's going to  
13 carry his pension.

14 (Laughter.)

15 SENATOR PETRIS: May I move confirmation, Mr. Chairman.  
16 I think he's very articulate, very impressive.

17 CHAIRMAN ROBERTI: Senator Petris moves Mr. Sedway's  
18 confirmation be recommended to the Floor.

19 Is there any opposition?

20 Seeing none, the Secretary will call the roll.

21 SECRETARY WEBB: Senator Doolittle.

22 SENATOR DOOLITTLE: Aye.

23 SECRETARY WEBB: Senator Mello. Senator Petris.

24 SENATOR PETRIS: Aye.

25 SECRETARY WEBB: Senator Craven. Senator Roberti.

26 CHAIRMAN ROBERTI: Aye.

27

28





1           You've got your choice: we can hold the roll open, or  
2 do you want me to announce it now because you have enough votes?

3           MR. SEDWAY: Let's hold it and I'll wait.

4           I'm not serious.

5                           (Laughter.)

6           CHAIRMAN ROBERTI: The vote is three to nothing.

7           I was starting to wonder there.

8                           (Laughter.)

9           CHAIRMAN ROBERTI: The vote is three to nothing,  
10 confirmation is recommended to the Floor.

11           Congratulations.

12           Our next appointment is Mr. John L. Ward, Member of the  
13 State Board of Education.

14           Mr. Ward, We will ask you the same question we asked the  
15 other appointees: Why do you feel you're qualified to assume  
16 this position?

17           MR. WARD: I sent you gentlemen a Christmas card where I  
18 stated that I bring to the State Board three needed perspectives  
19 that may not exist to the extent that I have them.

20           One of them is the large family of two children who  
21 recently graduated from high school, and then seven others who  
22 are currently in the K-12 schools, and they range from remedial,  
23 to gifted, to special ed., to musical, to athletic, just the  
24 whole gauntlet it seems like. And every evening is an education  
25 about education, at least in our Long Beach Unified School  
26 District, which is the fourth largest in the state.



1           That would be the other perspective I do bring to the  
2 Board, would be a district that has faced so many problems and is  
3 facing them now of size and of overcrowding, and of special needs  
4 of so many different kinds of students. I served as president of  
5 that board of education and led out in a voluntary integration  
6 effort. We are the largest district in the state that does not  
7 have court-ordered forced busing. We were able to avoid it by  
8 moving over 15,000 children voluntarily within our district.

9           CHAIRMAN ROBERTI: You what?

10          MR. WARD: Having 15,000 children attend outside their  
11 neighborhood school for the purpose of integration, and they  
12 received extra benefits as well as they traveled to these other  
13 schools. And it helped us to do away with overcrowding, to do  
14 away with having to close schools. It's helped us be able to  
15 give so many special extra programs to students. We think it's  
16 an ideal for the country to follow, quite frankly.

17          There I led out in attendance, homework, increasing  
18 morale of our teachers. We are one of the few districts that has  
19 very little in the way of teacher-concerted activities.

20          Anyway, it's a respected large urban school district,  
21 and I feel proud to have been associated with it, and I do bring  
22 that perspective to this Board.

23          The last perspective I think I bring is that I am a  
24 businessman. I have a family furniture, appliance, t.v. store  
25 and investment company. And I've served as president of a 600-  
26 store business association for several years, and am aware of  
27 budgets and finances, and have been acknowledged by various  
28





1 people as being one of the few, at least in our area, that fully  
2 understands a school budget and the impact that various programs  
3 do have on a district.

4 I am not on that board now because at the time it came  
5 to end my four-year term to file, I had open heart surgery, and  
6 as I recovered from that, I didn't have an interest to refile.  
7 But as my term then came to an end, I found myself truly missing  
8 the loving, caring people that I find in education. They're  
9 different than what I find in the business world where I  
10 function.

11 I also saw this time of change going past without me  
12 having an input into it. And so, I applied for this position,  
13 and with the recommendation of several of your Senators, and  
14 Assemblymen, and other people from our community, I received this  
15 appointment.

16 I'm glad to be here and have a say in education and hope  
17 to be able to continue to do so.

18 CHAIRMAN ROBERTI: Thank you very much, Mr. Ward.

19 Is there any opposition to Mr. Ward's appointment in the  
20 audience?

21 Seeing none, are there any questions?

22 I want to ask you a couple questions. If you had to  
23 pick the most serious problem that confronts public education in  
24 our state, which of many would you say is the one the Board  
25 should address?

26 MR. WARD: Well, I want to say that there's three, or  
27 four, or five that are major and crucial. Let me mention one  
28



1 that hasn't been mentioned here. I'm prompted to say this  
2 because of your question to Mark a few minutes ago about  
3 attendance.

4 I believe that is crucial to the future of not only K-12  
5 education, but postsecondary, because as you know, especially  
6 among Hispanics, where there's almost a 40 percent dropout rate  
7 within our district, I believe and sense the growth in this  
8 category of child in our state is that we've got to get the  
9 attendance to be nearly perfect all through their K-12  
10 experience. Not just Hispanics, but all students.

11 I have found within our school district, here again  
12 large and urban, poverty and all the problems that come with  
13 that, that if a child starts ditching, whether it's elementary  
14 school or junior high, and they get away with it, and the parents  
15 are not notified, that they will continue to get away with it  
16 until where they get so far behind in their studies that there's  
17 just no way of catching up, and then the discouragement comes  
18 around.

19 I think attendance is one of the keys to solving so many  
20 of our problems, and I have a solution. In fact, I have a  
21 solution to so many of these that I could keep you here all  
22 night.

23 By the way, I'm often wrong.

24 CHAIRMAN ROBERTI: So are we.

25 MR. WARD: I serve on the Educational Technologies  
26 Committee, and I'm very familiar with computers. It is so easy  
27 to now let the office know if a child is missing a class, or late  
28



1 to class. And that the parents have the responsibility of  
2 getting the child to school, but the school has the  
3 responsibility of notifying the parents that the child's not in  
4 attendance.

5 Right now what we do with ADA, we take, you know, second  
6 period, if it's a social studies class, we take attendance. And  
7 that's it for the day. But that's not the one they ditch. It's  
8 the sixth and seventh periods; right, Mark? I mean, those are  
9 the ones with the classes where a third of the students are  
10 missing in an urban school district.

11 The parents in most cases want their child in school,  
12 but the parent does not know their child's missing from school.  
13 A child can miss school for weeks, in some cases for a month, and  
14 never be notified.

15 By using computers, and it's easier for the teacher to  
16 take this, they can be notified the next day. If they do it by  
17 mails, within two days. They can know of every period the child  
18 has missed and keep a running record. And it's not expensive to  
19 do, and I hope it comes to the State of California.

20 CHAIRMAN ROBERTI: One issue that recurs in my district  
21 every once in a while is the issue of corporal punishment.

22 Do you think there's a place for that in the public  
23 school system?

24 MR. WARD: That's been something that I've not  
25 experienced. In my district we can use it, but I've never seen  
26 it used. I've never heard a complaint of its abuse.

27

28





1 I think I'm a disciplinarian within my own family, and I  
2 do spank my children occasionally at a young age, but it's done,  
3 hopefully, in a proper manner.

4 I'm sorry, Senator, I can't answer that question. I  
5 think sometimes the use of force is necessary in our schools, and  
6 I'd like to see it remain as a choice, but I can't think of any  
7 instance in the term I served where it was ever brought up as  
8 being something that was undesirable or desirable.

9 CHAIRMAN ROBERTI: If, say, the issue of prayer in the  
10 school were presented to the Board to take a policy position, or  
11 an alternative to that a silent minute of reflection, how would  
12 you vote?

13 MR. WARD: Well, I believe that prayer takes place as an  
14 individual in their home, or as a family within the home. I have  
15 taught occasionally at our local Catholic high school, and I have  
16 been impressed with the fact that they are able to begin their  
17 class, you know, with a prayer. And boy, the minute the bell  
18 rings and everybody's head's down, the prayer is said, and they  
19 sit there and: Teach me. You know, they're ready to go.

20 But I'm also aware of what Mark was saying, the  
21 practically of doing it in our high schools. It's hard enough  
22 sometimes for the teacher to get their attention through other  
23 means.

24 I worry about the controversy caused. I am opposed to  
25 prayer in our public schools unless something was designed that  
26 could be palatable, and a method determined on how it could be  
27 done without causing what I see as controversy.  
28



1 I don't know what that is, and so at this point I'm  
2 opposed until I see something recommended better than what I've  
3 seen in the past.

4 CHAIRMAN ROBERTI: Do you think that if the issue were  
5 presented to the School Board, how would you vote if in science  
6 classes the resolution were made to recommend that the "Book of  
7 Genesis" version of creation were to be taught as an alternative  
8 to the evolutionary version?

9 MR. WARD: There's more information needed to answer  
10 that question.

11 I believe that both evolution and Creationism, you know,  
12 should be mentioned, taught, as theory, since there's no stated  
13 fact.

14 I don't think you should give as much time to  
15 Creationism as you would to evolution, which has more basis in  
16 fact.

17 I would have to see what was being presented, how much  
18 time.

19 I do think, though, that it is important to teach  
20 evolution as a theory, and to mention that Creationism is another  
21 theory that is espoused by segments as part of understanding both  
22 sides. Whenever anything is controversial out there in society,  
23 it has a right to be taught in our schools, to be mentioned in  
24 our schools. And both sides should be presented, pro or con,  
25 without the teacher taking a strong position, especially if it's  
26 something that is conjecture.

27  
28





1           CHAIRMAN ROBERTI: Assuming that the teacher felt very  
2 strongly that the evolutionary thesis were the proper one, should  
3 he be able to so indicate?

4           MR. WARD: Yes. A teacher can give their opinion of how  
5 they personally believe, but they need to do that with great  
6 tact.

7           By the way, Senator, I've never been asked this question  
8 before.

9           CHAIRMAN ROBERTI: I thought I'd throw it out at you.

10          I do think, however, that it did come up before the  
11 State Board about three or four years ago and it was more  
12 controversial, and in some other states it has been  
13 controversial.

14          You don't feel that the mentioning of Creationism would  
15 be within the classroom an infringement of church and state?

16          MR. WARD: It's another theory of how the worlds came  
17 into being. And it's common knowledge, I think, among adults  
18 anyway, that there are these different views of how the universe  
19 or the Earth was created. So I think we should teach about  
20 common knowledge things that exist as another theory, another  
21 alternative.

22          CHAIRMAN ROBERTI: If a resolution were presented to the  
23 State Board to support tuition tax credits for private and  
24 parochial schools, how would you vote?

25          MR. WARD: I would be opposed.

26          CHAIRMAN ROBERTI: How about the voucher system?

27          MR. WARD: Adamantly opposed.

28



1 CHAIRMAN ROBERTI: Any other questions?

2 SENATOR PETRIS: Move confirmation.

3 CHAIRMAN ROBERTI: Senator Petris moves confirmation.  
4 Secretary will call the roll.

5 SECRETARY WEBB: Senator Doolittle.

6 SENATOR DOOLITTLE: Aye.

7 SECRETARY WEBB: Senator Mello. Senator Petris.

8 SENATOR PETRIS: Aye.

9 SECRETARY WEBB: Senator Craven. Senator Roberti.

10 CHAIRMAN ROBERTI: Aye.

11 The vote is three to nothing, congratulations.

12 I'd like the Board Members to know that I've wavered my  
13 position on tuition tax credits almost monthly, so I wanted to  
14 know how you felt.

15 (Laughter.)

16 MR. WARD: Thank you very much. I'd like to thank my  
17 colleagues for remaining so late for this.

18 CHAIRMAN ROBERTI: Thank you for bearing with us.

19 (Thereupon the Governor's Appointees Not  
20 Required to Appear were recommended for  
21 confirmation do pass to the Floor, and this  
22 hearing of the Senate Rules Committee was  
23 adjourned at approximately 7:20 p.m.)

24 --oo0oo--  
25  
26  
27  
28



CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

11<sup>th</sup> day of January, 1985.

  
EVELYN MIZAK  
Shorthand Reporter









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HEARING  
SENATE RULES COMMITTEE  
STATE OF CALIFORNIA

*Legislative*

STATE CAPITOL  
ROOM 113  
SACRAMENTO, CALIFORNIA

WEDNESDAY, JANUARY 16, 1985  
1:30 P.M.

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1 HEARING

2 SENATE RULES COMMITTEE

3 STATE OF CALIFORNIA

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10 STATE CAPITOL

11 ROOM 113

12 SACRAMENTO, CALIFORNIA

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16 WEDNESDAY, JANUARY 16, 1985

17 1:30 P.M.

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25 Reported by:

26 Evelyn Mizak  
27 Shorthand Reporter  
28



MEMBERS PRESENT

Senator David Roberti, Chairman  
Senator William Craven, Vice-Chairman  
Senator John Doolittle  
Senator Nicholas Petris

MEMBERS ABSENT

Senator Henry J. Mello

STAFF PRESENT

Cliff Berg, Executive Officer  
Pat Webb, Committee Secretary  
Rick Rollens, Consultant on Bill Referrals  
Nancy Michel, Consultant on Appointments

ALSO PRESENT

Barbara V. Crowley, Member,  
State Energy Resources Conservation and Development Commission  
Jack C. Parnell, Director  
Fish and Game  
Senator Robert Presley  
Senator Herschel Rosenthal



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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: We have a quorum present. The Committee will come to order.

Senator Presley is here to join us in questions and answers with the Appointment to the Director of Fish and Game.

Senator Rosenthal would like also to participate in questioning on the Member of the State Energy Resources Conservation and Development Commission. He is not here right now, so we will take Mr. Parnell up first.

Therefore, the next order of business is the Governor's Appointments, Mr. Jack C. Parnell, Director of Fish and Game.

Why don't you tell us why you feel you're qualified to retain this position?

MR. PARNELL: Senator Roberti, when I corresponded with you back in August, I pointed out to you that I had no academic background which would provide me the educational background to run the Department.

However, since that time I've spent ten months in the Department, and certainly I would like to refine that answer somewhat in that I think ten months there you tend to get a college education in a hurry. I might say that it's been a great pleasure to do that.

The Department is a department that deals with issues that are very broad in nature. We interact with almost everyone's life at one time or another in the effort to manage the resources and to comment on EIRs and that sort of thing.





1 It's very broad, and we have a lot of technical staff in the  
2 Department. I'm very impressed in the ten months that I've been  
3 in the Department with the depth of the technical expertise  
4 that's there.

5 I think that I'm capable of running the Department. I  
6 think by my reputation, I'm considered to be and considered  
7 myself to be a capable manager as it relates to dealing with  
8 people. And that technical expertise that's found in the  
9 Department needs to have direction, and I think we've  
10 demonstrated in the last ten months that that has been the case.

11 So, we feel that we are qualified at this point to  
12 continue to manage carefully the Department that is so important  
13 to the State of California and the resources contained therein.

14 CHAIRMAN ROBERTI: Thank you very much, Mr. Parnell.

15 Are there any questions of Mr. Parnell?

16 Currently the Governor's Budget calls for major cuts in  
17 your Department. I think our figures show a loss of 61.6  
18 personnel years. The Legislative Analyst also predicts a  
19 shortfall conservatively of \$5 million in the Fish and Game  
20 Preservation Fund, and I would suspect that maybe three-fourths  
21 of your money comes from that fund.

22 Do you have any plans on how to live within these  
23 anticipated shortfalls and still do all the work that's assigned  
24 to the Department?

25 MR. PARNELL: When we first arrived at the Department,  
26 of course, the real concern was the status of the Fish and Game  
27 Preservation Fund, and we had that looked at in great detail. We  
28



1 did a spread sheet and found that that fund contains two parts:  
2 those dedicated funds for specific purposes; and the general  
3 account for the Fish and Game Preservation Fund.

4 We had at that time a considerable balance, which is  
5 appropriate, in the dedicated funds. We found that projecting  
6 into the future, we were going to run into very serious hardship  
7 as it related to the nondedicated portion, and we at that point  
8 started to do an in-depth review and explore all the  
9 opportunities that were available to us.

10 We've gone forward to the Department of Finance with a  
11 proposed plan to address the issues. We think that they will be  
12 receptive to this proposed plan, and it's an all-encompassing one  
13 that we're still exploring. But we think that we'll be able to  
14 resolve those issues in an appropriate way.

15 I should say that we're also exploring the possible  
16 necessity of raising fees to our constituency groups. If that is  
17 part of the recommendation, and it certainly has not been decided  
18 at this point, but if it becomes part of that recommendation,  
19 then it will require for the most part to be handled  
20 legislatively, and can be argued and debated in depth so that the  
21 various constituency groups would have input.

22 As to the personnel cuts, we in compliance with the  
23 Governor's request, were asked to look at the Department and see  
24 where we could make cuts to get in a leaner, more muscular  
25 position, and we did exactly that.

26 I must say that the biggest part of the cuts, or the  
27 very largest part of the cuts that we took were as a result of  
28



1 carefully analyzing our seasonal help situation and recognizing  
2 that we use predominately graduate students, which come into our  
3 employ at a slightly higher rate than many other typical seasonal  
4 help that we might hire. And so, we chose to bring our budget in  
5 line with reality, and so 30-some odd of those positions are  
6 going to be just an adjustment in the seasonal help factor.

7 We had Pittman-Robinson funds, of course, in the  
8 Department, which are generated by the federal government in  
9 order to -- it's a tax on guns, ammunition and so forth. We have  
10 had considerable balances in that account in times past.  
11 Historically, we've allowed the Department to continue to grow to  
12 do those kinds of things at the height of that Pittman-Robinson  
13 funding, and then they start to notice a deleterious effect in  
14 the balances. When we arrived, we found that we were in a  
15 deficit situation, so we had to address that issue. Some 26, I  
16 believe, of those positions were formerly in the budget as  
17 Pittman-Robinson positions and are being redirected in other  
18 areas.

19 We think that we can live with the budget as it  
20 currently stands. I think we have some rocky roads ahead as it  
21 relates to our own fiscal status, and we're working very hard  
22 with both the Legislature and the Department of Finance to seek  
23 resolution to those problems.

24 CHAIRMAN ROBERTI: One of the important duties of your  
25 Department, I guess, is the acquisition of property for  
26 ecological purposes. And the Wildlife Conservation Board,  
27 evidently, is planning some purchases.





1 Will you have sufficient personnel to economically and  
2 efficiently handle those purchases, or will they have to go by  
3 the wayside?

4 MR. PARNELL: No, I think that's an appropriate  
5 question.

6 In anticipation of those monies that will be expended by  
7 the Wildlife Conservation Board, we began immediately to embrace  
8 a planning concept, recognizing that we probably were going to  
9 look into the future, at least the near future, with the  
10 positions that we currently have, and needed to spread those  
11 around. So basically, our emphasis in the planning posturing has  
12 been to look at those properties that were close at hand, to  
13 other properties that we currently owned and were managing. In  
14 addition, we are looking into the feasibility of contracting to a  
15 certain degree.

16 Incidentally, the Governor's Budget for this 85-86  
17 fiscal year appropriated 5.1 additional P.Y.s for the maintenance  
18 and control of the ecological reserves. So, we think that on  
19 that basis, using the criteria that we've set forth, trying to do  
20 it in an efficient way, that we'll be able to accommodate those  
21 new acquisitions.

22 CHAIRMAN ROBERTI: Another immediate interest to the  
23 public, I guess, is user fees.

24 Do you have any projection as to what the Department  
25 policy is going to be as far as the user fees are concerned?

26 MR. PARNELL: User fees, of course, are going to be --  
27 have to be a part of our trying to appraise where we can go to  
28



1 satisfy the needs of the Department. So, that will be a part of  
2 the investigation. And certainly, it's one thing that we're  
3 going to look very carefully at.

4 Again, that area will concern the Legislature, and will  
5 allow proper debate on those issues if and when they would occur.

6 CHAIRMAN ROBERTI: Do you have any immediate plans for  
7 increases in user fees in any area?

8 MR. PARNELL: We don't have an immediate plan that's  
9 been solidified. We're trying to get together as quickly as we  
10 can recommendations, and we have had preliminary conversations  
11 with the Department of Finance. So, we'll be going forward with  
12 recommendations, but I'm not at a point in time, Senator, that I  
13 can give you the detail of what that recommendation might  
14 include. I'd be glad to provide you with that.

15 CHAIRMAN ROBERTI: I'd be very interested.

16 I guess one of the major controversies that you have to  
17 deal with is an issue that's been around the Legislature for a  
18 while, bighorn sheep. I think you just authorized a hunt in part  
19 of California.

20 Can you explain what criteria you used?

21 MR. PARNELL: Senator, I think you might be referring to  
22 the mountain lion issue. The bighorn issue --

23 CHAIRMAN ROBERTI: Mountain lion, you're right.

24 MR. PARNELL: The mountain lion issue is one that  
25 concerns --

26 CHAIRMAN ROBERTI: I'd like to take bighorn sheep first.  
27 What is your plan on the bighorn sheep?





1 MR. PARNELL: Well, bighorn sheep, obviously our main  
2 agenda is to be able to manage those sheep populations. We're  
3 very sensitive to the fact that there is a lot of interest in  
4 them. We're managing in careful cooperation with the people down  
5 in Southern California, and we've made -- \$200,000 was proposed.  
6 Senator Presley added an additional \$60,000 in our last year's  
7 budget that remains in the budget for 85-86 fiscal year.

8 So, our main concern as it relates to bighorn is to be  
9 able to address the issues of disease, address the issues of  
10 management, and certainly we have not embraced the idea of an  
11 open hunt on bighorn sheep to date.

12 CHAIRMAN ROBERTI: Your policy is not necessarily the  
13 same as your predecessor's, where I believe -- maybe Senator  
14 Presley can help me out -- the Department did support it, the  
15 bounty on bighorn sheep.

16 SENATOR PRESLEY: I think what you're thinking of  
17 probably is the bill by Mr. Hill of the Assembly.

18 CHAIRMAN ROBERTI: That's right.

19 SENATOR PRESLEY: I'm not sure if your department  
20 supported it; I think they did. But I think it was basically a  
21 pretty good bill. I think it's pretty well balanced out, but it  
22 was killed in Finance.

23 MR. PARNELL: We were a proponent. That was prior to my  
24 coming on.

25 SENATOR PRESLEY: It was a management thing.

26 MR. PARNELL: It provided that we embrace a management  
27 concept and which also provided ultimately, after certain things  
28



1 had been taken into account, that we may have the ability to hunt  
2 under certain circumstances. Certain segments of the  
3 constituency objected to that; that was amended out, and  
4 ultimately the bill failed in the Department of Finance.

5 CHAIRMAN ROBERTI: What criteria went into your decision  
6 on the mountain lion?

7 I'm interested in when you come up with a decision for a  
8 hunt, what hoops do you go through to arrive at that decision?

9 MR. PARNELL: Senator Roberti, in a lot of the releases  
10 that have been released in the press, there is good reason for a  
11 misunderstanding as to what I did or did not do.

12 The reality is that we have never authorized a hunt for  
13 mountain lions in the Department. It was talked about. Senator  
14 Presley, I believe, in 1982 ran a bill -- and I can't recall the  
15 number, Senator -- which allowed for a depredation hunt should  
16 the depredation, individual depredation, permitting fail to be an  
17 effective tool.

18 There was, when I arrived at the Department, a request  
19 on my desk by Placer County, which had been addressed by the  
20 then-Director, Don Carper. I was left with finding some  
21 resolution to that dilemma. They had made a request for us to do  
22 a depredation hunt. After a number of meetings with the  
23 constituency on both sides of the issue, we concluded that there  
24 wasn't enough evidence at that time to go forward, and so  
25 therefore we did not.

26 So, as to the criteria that we went through, we didn't  
27 go through any, but we didn't do a hunt.



1           There are certain criteria that are specified in the  
2 legislation, however, where we have to hold a hearing, the  
3 individual depredation permits would have to be demonstrable that  
4 they had failed, and then hold a hearing, and then create a  
5 situation wherein we could hunt.

6           CHAIRMAN ROBERTI: Very good.

7           MR. PARNELL: I should say that then and only then would  
8 those lions be taken by Department personnel or designees of the  
9 Department.

10          SENATOR PRESLEY: You're talking, Mr. Parnell, about the  
11 existing law?

12          MR. PARNELL: The existing law.

13          SENATOR PRESLEY: We, as you know, had some discussions  
14 about this with the view that it may be a little bit too  
15 restrictive for your Department. You might need a little broader  
16 authority in that area, and we're considering that in the new  
17 legislation that will be before us.

18          On that point, mountain lions again, I hope I'm not  
19 asking you a question to put you on the spot, but I think in the  
20 discussion we've had, you indicated that you didn't think we were  
21 ready at this point for sport hunting of the mountain lion.

22          MR. PARNELL: I made it very clear in the meetings with  
23 you, Senator, that I had not been a proponent of, nor do I think  
24 it's appropriate that we embrace that issue.

25          We think, as I expressed to you in those meetings, that  
26 it is imperative because of the evidence that's been brought  
27 forward, and I've shared with both Senator Roberti and you,  
28





1 Senator Presley, with regard to what the Department's findings  
2 are with regard to lion population.

3 The Department's attitude is that we feel that it's  
4 necessary for us to have ability to address the issue of  
5 depredating lions with a little more latitude than we've had  
6 before. And we've had discussions with the Senator and with the  
7 various constituency groups. We're still in the formulating  
8 stages. We, the Department, has a recommendation. I think that  
9 your staff is coming up with some amendments to the existing  
10 legislation, which we've not had the opportunity to look at.

11 But basically the Department's philosophy at this point  
12 is to have a little more liberalized approach to being able to  
13 handle lions that are causing depredation and recognize that that  
14 is a real problem. And I think pretty much the whole  
15 constituency agrees that that probably is an appropriate step,  
16 and I think that the details are yet to be worked out.

17 CHAIRMAN ROBERTI: Thank you.

18 When you were first appointed, one of the controversial  
19 issues was the white bass in Tulare Lake. In fact, one Senator  
20 was so concerned as to talk to you at great length on the  
21 subject.

22 MR. PARNELL: I remember that.

23 CHAIRMAN ROBERTI: What's been the policy of the  
24 Department in that area? What avenues have you taken to protect  
25 the public health from potential contamination from whatever? I  
26 guess the word's not pesticide, but "ichthyocide," or whatever it  
27 takes to kill a fish? I don't know what the word is.  
28



1 MR. PARNELL: I think you were very near.

2 SENATOR PRESLEY: A hook.

3 (Laughter.)

4 MR. PARNELL: It's "piscicide", but be careful.

5 That is an issue, of course, that I faced when I first  
6 came to the Department. And because of a lot of misunderstanding  
7 and a lot of valid concern, Senators and Assemblymen from both  
8 sides of the aisle were very, very concerned about the activities  
9 of the Department in that area relative to white bass management.

10 We set a task force in motion, an internal task force,  
11 headed by Pete Montadelli on my staff and supported by some of  
12 our very capable people in environmental review.

13 We ultimately arrived at a decision, after going down  
14 and talking to boards of supervisors in the sensitive areas, in  
15 conjunction with the Legislators involved, and arrived at a plan  
16 which would allow us to build barriers to curtail the spread of  
17 white bass. It's a barrier system that will be put in place, or  
18 is being put in place currently. We've done this with the  
19 concurrence of all of the local governmental agencies and the  
20 Legislators in that area.

21 This precluded our having to go in and, in a mass way,  
22 use the Rotenone, which has historically been known to be used in  
23 eradication projects of this sort.

24 There was a lot of concern. The barrier system was  
25 devised, and because of a desire on the part of the Department to  
26 be sensitive to the local constituency, and to provide us the  
27 opportunity to look at all of the alternatives that were  
28





1 available to us, not just the one of using chemical treatment, so  
2 we're well into that process.

3 We were enjoined by the courts to use widespread  
4 application. We filed a writ of Supersedeas after having filed  
5 the appeal. We were granted that writ, which allows us the  
6 opportunity to use Rotenone in a very limited way in and around  
7 those barrier systems so as to be able to determine the  
8 effectiveness of them.

9 So at this point in time, that's exactly where we are.  
10 We're trying to keep ourselves in a position of letting people  
11 know step by step what our intentions are, and to work hand in  
12 hand instead of at opposite ends with local constituencies, and I  
13 think it's working extremely well at this point.

14 CHAIRMAN ROBERTI: Thank you.

15 That's all the questions I have, Senator Presley.

16 SENATOR PRESLEY: A couple of areas: one, the  
17 overfishing problem. We've had a number of bills at various  
18 times in the Natural Resources and Wildlife Committee, usually  
19 trying to authorize additional fishing in areas that a lot of  
20 people have heard about that they've been overfished, and the  
21 long-range implications are going to be adverse.

22 What are your general views on this whole area? I'm  
23 talking about different locations off the coast, not the streams.

24 MR. PARNELL: Well, it's an interesting problem.

25 SENATOR PRESLEY: How do you view it in terms of a  
26 problem? And if you do view it as a problem, what do you see as  
27 a solution, other than saying: Let's don't fish for a while.

28



1 This is always hard to say to commercial fishermen who make their  
2 living at it.

3 MR. PARNELL: It is very difficult to say.

4 We try to do everything commensurate with our biological  
5 findings, and sometimes we run at cross purposes with certain  
6 constituency groups as a result.

7 We're trying to be very cognizant of those economic  
8 impacts that certain areas incur when we make those decisions.  
9 We have a number of very sensitive areas up on the Clamath and  
10 that inland fish area, which in an effort to manage stocks of  
11 salmon, we have dictated to a specific fisheries management  
12 council what will happen in the ocean. We thought in this case  
13 that the inland fishery should share part of that concern, so we  
14 instituted, as I recall, a two-day closure on that in those  
15 areas.

16 Senator, there are no easy answers. We always seem to  
17 impact people. The only thing that I can say is that I recognize  
18 that it's a problem, and that we'll try to deal with those things  
19 in a very sensitive way.

20 But I have no magic wand to wave over that and give you  
21 some insight as to what we might be doing in a particular way.

22 SENATOR PRESLEY: Another problem area I want to touch  
23 on briefly is poaching.

24 Do you see that as an increasingly serious problem? And  
25 if you do, please suggest what we do about that.

26 MR. PARNELL: We see it as a very, very significant  
27 problem. I think it's been proposed that probably poaching takes  
28



1 more out of any resource, or many of the resources, than the  
2 actual taking by hunters or fishermen. It is a real problem; we  
3 are concerned with it.

4 We are working cooperatively with the Legislature to try  
5 to impose stiffer fines. I think the key is, we have to remove  
6 this whole profit motivation from poaching. People are poaching,  
7 selling what they poach, and it's been a very profitable thing  
8 for them to be involved in.

9 I think it behooves us to encourage and work  
10 cooperatively with the Legislature to address that issue, and try  
11 to impose as stiff a fine as we possible can.

12 In addition, of course, it becomes an enforcement  
13 problem. And we're trying to address those issues, create a  
14 strike force capability, not yet formulated, but we're looking at  
15 options as to how we can create a deterrent presence with the  
16 present warden staff that we have, and we're working hard to  
17 devise those programs.

18 SENATOR PRESLEY: Are there any other means, other than  
19 fines, to minimize the incentive, the profit incentive, that they  
20 make out of it? Anything else that we can do, rather than  
21 increase the fines?

22 MR. PARNELL: I think that's going a major thing. I  
23 think there are several things that have to be done.

24 Of course, our Cal Tip program is one that you've  
25 historically heard about. It allows the private citizenry to  
26 involve themselves. We're trying to tell the story that after  
27 all, when someone poaches, they are in fact stealing from you,  
28





1 and we don't think that's appropriate. So, we've tried to enlist  
2 the services of the public at large.

3 That coupled with larger fines to create a significant  
4 -- and then coupled with what we intend to do within the  
5 Department to create a strike force presence, a deterrent  
6 presence, we think that we will at least be approaching getting  
7 some of those things resolved.

8 SENATOR PRESLEY: Are you talking about additional game  
9 wardens, or are you going to do this within your existing  
10 complement?

11 MR. PARNELL: We haven't addressed the issue of  
12 additional game wardens. You're aware of the Governor's position  
13 on those additional positions, and we respect that.

14 We think that it is appropriate and necessary for the  
15 Department to make an assessment, which is an ongoing review  
16 right now, as to the effectiveness that we're using the existing  
17 warden force.

18 We have a very dedicated, very professional warden force  
19 out there that I bust the buttons off of my shirts when I -- they  
20 do an incredible job with the number of wardens that are  
21 available.

22 I think we need to really -- the first thing we need to  
23 do is to look and see how efficiently we're using the warden  
24 force, and then if all else fails, address the issue that you  
25 mentioned. We think it's appropriate, and that we can work  
26 within the framework of our present staff, and can be effective.

27

28



1           SENATOR PRESLEY: Are you looking, and I'm sure you are,  
2 looking at duties that perhaps could be performed by some lesser  
3 trained individual than a fully-trained game warden and have that  
4 done by someone else?

5           MR. PARNELL: There are a lot of activities that we can  
6 look to. We have a lot of biologists who are deputized, in  
7 essence, and can function as a warden under his direct  
8 supervision. We have the part-time warden reserves, which is a  
9 little controversial in the Department, and I recognize the  
10 reason. We're trying to work with the unions and so forth to try  
11 to resolve that issue.

12           But I think there are things that we can do toward  
13 transferring some of the load that the wardens currently have to  
14 address that issue.

15           SENATOR PRESLEY: Thank you very much.

16           CHAIRMAN ROBERTI: Thank you, Senator.

17           Any further questions of Mr. Parnell?

18           SENATOR CRAVEN: I would move confirmation to the Floor.

19           CHAIRMAN ROBERTI: Senator Craven moves confirmation to  
20 the Floor.

21           Is there anyone in support?

22           MR. PARNELL: If I may, I've asked -- a number of people  
23 are here and willing to testify, if you so desire.

24           CHAIRMAN ROBERTI: I think it would be nice if they  
25 indicated who they are. I don't necessarily see the necessity of  
26 testimony.

27

28





1           SENATOR PRESLEY: After the discussion, Mr. Chairman,  
2 I'm in support.

3           CHAIRMAN ROBERTI: Very good. Senator Presley's in  
4 support, so you're cleaning up the slate here.

5           Why don't you just come forward and indicate who you  
6 are.

7           MR. PALMER: Mr. Chairman, Members of the Committee,  
8 Mark Palmer representing the Sierra Club. We have a letter on  
9 file.

10          CHAIRMAN ROBERTI: Thank you very much.

11          MR. SPOTTS: Richard Spotts with the Defenders of  
12 Wildlife in support.

13          MR. BROWN: Senator Roberti, Corey Brown with the  
14 Planning and Conservation League. We're also in support.

15          ASSEMBLYMAN WATERS: Assemblyman Norm Waters, and I'm in  
16 support of Mr. Parnell.

17          CHAIRMAN ROBERTI: Your constituent.

18                               (Laughter.)

19          MR. DANBOM: Senator Roberti, I'm Dave Danbom, President  
20 of the Pacific Coast Federation of Fishermen's Associations, and  
21 we whole heartedly support confirmation.

22          CHAIRMAN ROBERTI: Very good.

23          MR. ROSS: Mr. Chairman, Rob Ross from the California  
24 Seafood Institute.

25          MR. TRAUMA: Mr. Chairman, Mike Trauma, President of the  
26 Fishermen's Cooperative Association. We support the confirmation  
27 of Mr. Parnell.

28



1 MR. SHANBOUR: Fred Shanbour representing the Sport  
2 Fishing Association, also the Golden Gate Sport Fishing  
3 Association. We're in total support.

4 MR. UPHOLT: Mr. Chairman, Gerald Upholt representing  
5 the California Wildlife Federation. We also support  
6 confirmation.

7 CHAIRMAN ROBERTI: Very good.

8 MS. DODGEN: I'm Margaret Dodgen, Secretary of the  
9 Golden State Trollers. We have about 200 members in support of  
10 Mr. Jack Parnell.

11 MS. LEVER: Helen Lever, no organization, no members,  
12 but an active board watcher of government who has run across Mr.  
13 Parnell and been impressed by his activities.

14 CHAIRMAN ROBERTI: Thank you very much.

15 MR. SADLER: I'm Mike Sadler, the President of CAUSE and  
16 past President of the Fish and Game Warden's Protective  
17 Association, and we're fully in support of Mr. Parnell.

18 MR. CRIBBS: Hal Cribbs from the California Fish and  
19 Game Commission. We have a letter in support of this  
20 confirmation.

21 MR. MASON: Frank Mason, Western Fish Boat Owners  
22 Association, speaking for the entire tuna industry, we're very  
23 strong in support.

24 CHAIRMAN ROBERTI: Very good. Thank you.

25 That's an impressive feed, putting all that diversity of  
26 support together. I guess the only thing more impressive will be  
27 when you're ready to leave your position if they're all going to  
28 still be in support.



(Laughter.)

MR. PARNELL: I've thought of that, Senator.

CHAIRMAN ROBERTI: Anyone in opposition, or wanting to indicate any concern or problem with the appointment? This is your last chance.

Senator Craven has a motion before us. The Secretary will call the roll.

SECRETARY WEBB: Senator Doolittle.

SENATOR DOOLITTLE: Aye.

SECRETARY WEBB: Senator Mello. Senator Petris. Senator Craven.

SENATOR CRAVEN: Aye.

SECRETARY WEBB: Senator Roberti.

CHAIRMAN ROBERTI: Aye.

The vote is three to nothing, confirmation is recommended.

Congratulations. We look forward to working with you. We think you'll do a great job.

MR. PARNELL: Thank you very much.

CHAIRMAN ROBERTI: Senator Mello wants to indicate that he was in support as well, and please let the record so indicate. He is in committee.

The next appointment is Barbara V. Crowley, Member of the State Energy Resources Conservation and Development Commission.

MS. CROWLEY: Good afternoon, gentlemen.

CHAIRMAN ROBERTI: Good afternoon.





1 We will ask you what we ask all the Governor's  
2 appointments, and that is: Why do you feel you are qualified to  
3 assume this position?

4 MS. CROWLEY: Yes, sir.

5 I believe my background in local government has equipped  
6 me to deal with the myriad issues coming before the Energy  
7 Commission. It has made me sensitive to many points of view, and  
8 I think that will be helpful as well.

9 We administer state regulations at the county level, and  
10 I think that will make me sensitive when we promulgate  
11 regulations at the Energy Commission.

12 CHAIRMAN ROBERTI: Thank you very much.

13 We've been joined by Senator Herschel Rosenthal, the  
14 Chairman of the Senate Energy and Public Utilities Committee, who  
15 will participate with us in asking questions.

16 Are there any questions?

17 Do you think the Commission should be doing anything  
18 more than it is currently doing to promote alternative sources of  
19 energy?

20 MS. CROWLEY: I think it can pursue the path it is  
21 taking in this regard more in a sense both of casting about for  
22 other worthwhile alternatives and proceeding with the ones we are  
23 developing. I think it's an ongoing process, and we should  
24 indeed continue it.

25 I think especially as the environmental Member, this is  
26 appropriate.



1           CHAIRMAN ROBERTI: Which alternative source right now  
2 would you say needs the greatest emphasis?

3           MS. CROWLEY: I think that the possibilities are large  
4 in cogeneration, in the development of wind, and the development  
5 of biomass technologies. And I think one of the really valuable  
6 things is that we have an array of technologies. That means we  
7 can put an appropriate technology in a particularly sensitive  
8 location.

9           So, I believe it's appropriate to pursue those that we  
10 are already looking at, as well as new ones if they arrive.

11          CHAIRMAN ROBERTI: One suggestion that we periodically  
12 put into legislation in Sacramento, which appears to the  
13 challenged at the federal level, is the concept of tax credits  
14 for energy resources.

15          Do you have any feelings on that?

16          MS. CROWLEY: Looking at it from two points of view, one  
17 is the fact that it's our understanding that federal tax credits  
18 will be scrutinized very shortly, so we do think that this is an  
19 appropriate time for the state seriously to consider the  
20 continuation of tax credits.

21          From the standpoint of energy, we believe that done in a  
22 selective way, tax credits can be very valuable. We passed a  
23 resolution unanimously not too long ago which addressed this, and  
24 expressed how we felt, that tax credits should be used to bring  
25 along an industry, or to minimize depletion of sensitive energy  
26 sources, so that it was done in a very selective manner. Tax  
27 credits were used very selectively.  
28





1 CHAIRMAN ROBERTI: Are there any tax credits that you  
2 think have not served the purpose for which they were intended  
3 and ought to go by the wayside?

4 MS. CROWLEY: I'm not sure which ones at this point, but  
5 I do think that that should be something that's seriously  
6 considered as we deal with tax credits, both from the standpoint  
7 of the technology and what has been accomplished for the dollars  
8 spent.

9 CHAIRMAN ROBERTI: Thank you.

10 Are there any other questions? Senator Rosenthal.

11 SENATOR ROSENTHAL: Let me just state offhand to begin  
12 with that I've been impressed with the independence of Barbara  
13 Crowley in terms of some decisions that have been made at the  
14 Commission.

15 But just for the record, and because I feel very  
16 strongly about the Warren-Alquist Act, which I think is a model  
17 for state involvement in energy planning and regulation, I have a  
18 three-part question.

19 What should the agency's relationship be to the  
20 Governor? What should that relationship be to the Legislature?  
21 And what is the agency's obligation to facilitate public  
22 participation?

23 MS. CROWLEY: It seems to me appropriate that the Energy  
24 Commission deal with the Governor's Office through the Governor's  
25 energy advisor. And I think it's important that there be a  
26 rather intensive communication between the two.



1 I feel the same is true with the Legislature, that we  
2 should deal quite closely on an informational basis with the  
3 resources committees and other groups who have an interest in  
4 energy, not just when some particular piece of legislation is at  
5 the door, but in an ongoing way.

6 The third part of your question, I've dropped a stitch.

7 SENATOR ROSENTHAL: As to the obligation to facilitate  
8 public participation.

9 MS. CROWLEY: Oh, we're very proud of the Warren-Alquist  
10 Act and how the participation by the public is facilitated by  
11 that. It seems to me that it's kind of a special situation, to  
12 have a Public Advisor who participates in the proceedings of the  
13 Energy Commission with a view to opening a door for the public.

14 I think this is important. I think it's rather unusual,  
15 and I think it has been very successfully handled with our Public  
16 Advisor organization at the Commission.

17 SENATOR ROSENTHAL: I have been impressed. Even though  
18 I realize that the Governor makes appointments to the Energy  
19 Commission, I have been impressed in the past with the  
20 independence that Commission exhibits in terms of whatever the  
21 issues happen to be.

22 I'm a little concerned vis-a-vis the federal concept now  
23 of where the President is suggesting that perhaps there will be  
24 the elimination of a federal Department of Energy, and we will  
25 return that to the state.

26 If in fact that takes place, and the Governor then is  
27 obligated to create a Department of Energy, how do you see the  
28



1 Commission in that kind of relationship? Because then in a  
2 Department, who ever heads that Department will be the voice of  
3 the Governor, obviously.

4 I'm not suggesting that the Chairman of the Commission  
5 is not speaking sometimes for the Governor, but I'm concerned  
6 that sometimes I don't know whether the President is speaking for  
7 the Governor or speaking for the Commissioners in some of these  
8 areas. And I'm just concerned about what might happen if in fact  
9 there is a state Department of Energy vis-a-vis the Commission,  
10 which I tend to think is much more independent in terms of  
11 whatever, even though they may have been appointed by the  
12 Governor. A Department would be somewhat different.

13 MS. CROWLEY: I am unable to draw an analogy from the  
14 federal level because we are independently organized under the  
15 Warren-Alquist Act.

16 But I do see that if indeed there were some effort to  
17 package all the energy activities that are being handled now in a  
18 diversity of ways by some Department of Energy at the state  
19 level, that it would require a good deal of analysis, and a good  
20 deal of careful selection to be sure that, in effect, the greater  
21 good was being met by such a transfer.

22 I would see it as a very sensitive issue, and the  
23 yardstick would be how can it best be handled for the good of the  
24 people of California.

25 SENATOR ROSENTHAL: Maybe I shouldn't be asking you this  
26 question; I might should be asking the Chairman of the Energy  
27 Commission.  
28





1 I begin to have a little concern if, in fact, the  
2 Chairman is not speaking for the Commission, but speaking for the  
3 Governor. And I'm not suggesting that that's been an ongoing  
4 kind of a thing, but there appears to me, at least, a movement in  
5 that kind of a direction.

6 I just wonder what you think about that?

7 MS. CROWLEY: Well, it seems to me that that could be  
8 rather carefully handled by the tone of the communication  
9 indicating whether it is some position that has been taken by the  
10 full Commission, or the majority of the Commission, or whether  
11 indeed the communication is speaking for the Commission from  
12 whoever is Chairman.

13 SENATOR ROSENTHAL: Is the public interest served best  
14 by a growing, static, or diminishing state authority in energy  
15 planning and regulation? Should we be doing more, less?

16 MS. CROWLEY: I kind of think that's a moving target. I  
17 think in some areas maybe there is more that can be done. I  
18 would have to answer that pretty much on a case by case basis.

19 For example, conservation, that sort of issue you're  
20 speaking of. I believe that should be dealt with separately than  
21 whether the public interest is being met in, for instance, siting  
22 cases, how we site.

23 So, I do feel that there is no blanket answer to that.

24 SENATOR ROSENTHAL: I think that my questions have been  
25 satisfactorily answered.

26 As I said at the beginning, I've been impressed with  
27 Ms. Crowley's independence, and have seen where she was on some  
28



1 issues. I didn't agree with her on everything, but I think on  
2 balance, she makes a fine Member of the Commission.

3 CHAIRMAN ROBERTI: Very good. Thank you very much,  
4 Senator.

5 Are there any other witnesses in support? Please come  
6 forward. Please identify yourself for the record.

7 MR. COMMONS: Geoffrey Commons, Member of the  
8 Commission.

9 I appreciate the opportunity of appearing here today in  
10 support of Commissioner Barbara Crowley's confirmation.

11 Since you Members of the Committee are here to recommend  
12 confirmation or rejection of Commissioner Crowley to the Senate,  
13 perhaps my experience of serving with her on the Commission may  
14 have some value.

15 I have served with Commissioner Crowley for the past  
16 year. We worked together on both policy issues and siting  
17 committees.

18 Based upon my observation of Commissioner Crowley and  
19 her performance, clearly she is a person who is interested in  
20 protecting the environment and supporting an energy policy which  
21 will serve the interest of the state and the consumer,  
22 specifically, adequate and affordable energy.

23 She has shown that she is basically a pragmatic person  
24 with excellent judgment, and is an ethical, hard working person.

25 Thank you very much.

26 CHAIRMAN ROBERTI: Thank you very much, Mr. Commons.

27 Is there any support?  
28





1 MR. PAPARIAN: Senators, I'm Mike Paparian representing  
2 the Sierra Club.

3 Although we don't have an official position on this  
4 appointment, I would like to point out that we have had a very  
5 positive relationship with Commissioner Crowley. She's been  
6 accessible and friendly, and I think has given the important  
7 issues that have been considered by the Commission in the last  
8 year the thoughtful consideration that was intended by the  
9 drafters of the Warren-Alquist Act.

10 CHAIRMAN ROBERTI: Thank you.

11 Any other witnesses in support?

12 Is there any opposition?

13 SENATOR CRAVEN: I move confirmation to the Floor.

14 CHAIRMAN ROBERTI: Senator Craven moves confirmation.

15 The Secretary will call the roll.

16 SECRETARY WEBB: Senator Doolittle.

17 SENATOR DOOLITTLE: Aye.

18 SECRETARY WEBB: Senator Mello. Senator Petris.

19 SENATOR PETRIS: Aye.

20 SECRETARY WEBB: Senator Craven.

21 SENATOR CRAVEN: Aye.

22 SECRETARY WEBB: Senator Roberti.

23 CHAIRMAN ROBERTI: Aye.

24 The vote is four to nothing, confirmation is  
25 recommended.

26 Congratulations, and we look forward to continuing to  
27 work with you.



1 MS. CROWLEY: Thank you, sir; thank you, gentlemen.

2 CHAIRMAN ROBERTI: Next, Governor's Appointees not  
3 required to appear. There's only one, Genevieve A. Terrill,  
4 Member of the Board of Behavioral Science Examiners.

5 Senator Craven moves confirmation. Secretary will call  
6 the roll.

7 SECRETARY WEBB: Senator Doolittle.

8 SENATOR DOOLITTLE: Aye.

9 SECRETARY WEBB: Senator Mello. Senator Petris.

10 SENATOR PETRIS: Aye.

11 SECRETARY WEBB: Senator Craven.

12 SENATOR CRAVEN: Aye.

13 SECRETARY WEBB: Senator Roberti.

14 CHAIRMAN ROBERTI: Aye.

15 The vote's four to nothing, confirmation recommended.

16 (Thereupon the Committee recommended  
17 confirmation of the Appointees Designated  
18 by the State Treasurer to Serve as State  
19 Treasurer in the Event of a Disaster, and  
20 this portion of the hearing was terminated  
21 at approximately 2:30 p.m.)

22 --oo0oo--



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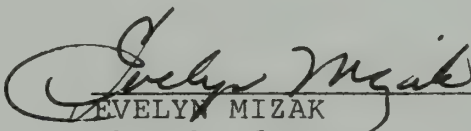
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That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

17<sup>th</sup> day of January, 1985.

  
EVELYN MIZAK  
Shorthand Reporter









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HEARING  
SENATE RULES COMMITTEE  
STATE OF CALIFORNIA

STATE CAPITOL  
ROOM 113  
SACRAMENTO, CALIFORNIA

WEDNESDAY, JANUARY 23, 1985  
2:00 P.M.

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1 HEARING

2 SENATE RULES COMMITTEE

3 STATE OF CALIFORNIA

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10 STATE CAPITOL

11 ROOM 113

12 SACRAMENTO, CALIFORNIA

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16 WEDNESDAY, JANUARY 23, 1985

17 2:00 P.M.

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25 Reported by:

26 Evelyn Mizak  
27 Shorthand Reporter  
28





MEMBERS PRESENT

Senator David Roberti, Chairman

Senator John Doolittle

Senator Henry J. Mello

MEMBERS ABSENT

Senator William Craven, Vice-Chairman

Senator Nicholas Petris

STAFF PRESENT

Pat Webb, Committee Secretary

Rick Rollens, Consultant on Bill Referrals

Nancy Michel, Consultant on Appointments

ALSO PRESENT

Roberta A. Hughan, Member,  
State Air Resources Board



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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: Governor's Appointees, Roberta  
Hughan, Member of the State Air Resources Board.

We'll ask you what we ask all the Governor's Appointees,  
and that is: Why do you feel you're qualified to assume this  
position?

MS. HUGHAN: I think I'm qualified in several areas,  
Senator.

I'm the mayor of a small city, and I've sort of worked  
my way up to the appointment level. I represent the cities of  
Santa Clara County on the Bay Area Air Quality Management  
District, and then I have the Governor's appointment from the  
District to the ARB.

As mayor, I'm used to dealing in controversial issues,  
and I have a knowledge of consensus building and of working with  
people in the public.

As an architect, I have a technical background. I'm a  
practicing architect, and I also have interest in environmental  
issues.

As a businesswoman, I understand some of the  
difficulties business is having with the regulations that the  
different bodies are imposing on business.

And then as a Bay Area District Member, I have a  
background in -- I've been on that District for two years, and I  
have had an initiation into the air quality field.

CHAIRMAN ROBERTI: Very good.





1 Any questions?

2 SENATOR MELLO: She didn't say anything about the Garlic  
3 Capitol of the World.

4 (Laughter.)

5 CHAIRMAN ROBERTI: That's what's important, we know.  
6 Gilroy's famous.

7 MS. HUGHAN: Well, we hope we don't regulate the garlic  
8 odor.

9 (Laughter.)

10 SENATOR MELLO: I think she's very outstandingly  
11 qualified and makes an excellent person with good background for  
12 this Board. I'm happy that the Governor made this appointment.

13 CHAIRMAN ROBERTI: Senator Mello recommends you highly.  
14 If there are no questions, you're going to get off easy.

15 We're in a current era of good feelings.

16 MS. HUGHAN: Good!

17 SENATOR MELLO: I would move the recommendation to the  
18 Floor.

19 CHAIRMAN ROBERTI: Any support or opposition?  
20 Seeing none, the Secretary will call the roll.

21 SECRETARY WEBB: Senator Doolittle.

22 SENATOR DOOLITTLE: Aye.

23 SECRETARY WEBB: Senator Mello.

24 SENATOR MELLO: Aye.

25 SECRETARY WEBB: Senator Petris. Senator Craven.  
26 Senator Roberti.

27 CHAIRMAN ROBERTI: Aye.

28



1           The vote is three to nothing; confirmation is  
2 recommended to the Floor.

3           Congratulations, and we look forward to working with  
4 you.

5           MS. HUGHAN: Thank you very much.

6           (Thereupon this portion of the Rules  
7 Committee hearing was terminated at  
8 approximately 2:10 p.m.)

9                           --oo0oo--

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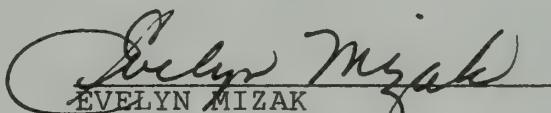
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I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of January, 1985.

  
EVELYN MIZAK  
Shorthand Reporter









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should be bound here  
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STATE OF CALIFORNIA

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3 STATE OF CALIFORNIA

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16 WEDNESDAY, JANUARY 30, 1985

17 1:30 P.M.

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26 Evelyn Mizak  
27 Shorthand Reporter  
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MEMBERS PRESENT

Senator David Roberti, Chairman

Senator William Craven, Vice-Chairman

Senator John Doolittle

Senator Henry J. Mello

Senator Nicholas Petris

MEMBERS ABSENT

None

STAFF PRESENT

Cliff Berg, Executive Officer

Pat Webb, Committee Secretary

Rick Rollens, Consultant on Bill Referrals

Nancy Michel, Consultant on Appointments

ALSO PRESENT

Ronald T. Rinaldi, Director of Industrial Relations

Gerald O'Hara, Teamsters Legislative Counsel

Bill Heyburn, Disabled State Employee

Helen a. Johnson, Industrial Hygienist



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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: The next item is Governor's Appointments, Ronald T. Rinaldi, Member and Director of the Department of Industrial Relations.

Mr. Rinaldi, we'll ask you what we ask all the Governor's Appointees, and that is: Why do you feel you're qualified to assume this position?

MR. RINALDI: Thank you, Senator.

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before you today.

I would like to describe for you why I believe I am qualified for the position of the Director of the Department of Industrial Relations; what I believe to be the mandates and charges to the Department; and how I intend to carry out those mandates.

I am 49 years of age and have spent all of my full-time working career of 22 years in state service, the last 17 of which have been in the Department of Industrial Relations.

I began my career with the State Compensation Insurance Fund in 1962. Following five years in various assignments with the State Compensation Insurance Fund, I moved to the Department of Industrial Relations in 1967 as a staff assistant to the Administrative Director of the Division of Industrial Accidents, a capacity I served in for seven years. During that period of time, I became involved in the development of the Cal/OSHA program, which was signed into law by then-Governor Reagan in October of 1973.



1           During that same period of time, I served as the expert  
2 consultant and secretary to the Governor's Task Force on Workers'  
3 Compensation which resulted in a legislative package, most of  
4 which was signed into law in 1972.

5           Also during 1972, I was appointed acting Deputy Chief of  
6 the Division of Industrial Safety, now known as the Division of  
7 Occupational Safety and Health. With the enactment of AB 150,  
8 which created Cal/OSHA, I was then appointed as the first  
9 Executive Officer of the Cal/OSHA Standards Board in January of  
10 1974, a position I served in until January of 1983, when I was  
11 asked by the Governor to serve as Acting Chief Deputy Director of  
12 the Department. I subsequently was appointed Chief Deputy in  
13 March of 1983. I have served as the Acting Director and Director  
14 for the last 18 months.

15           I believe that during the last 22 years of public  
16 service and the last two years as Deputy Director and Director, I  
17 have demonstrated my ability as an administrator who is cognizant  
18 of the needs of all of the Department's constituencies. I also  
19 believe that, equally important, I have established a reputation  
20 of credibility, integrity and objectivity. One of my primary  
21 goals is to serve the public to the best of my ability, and  
22 hopefully, my record is indicative of that goal.

23           The Department of Industrial Relations is charged with  
24 the responsibility of fostering, promoting and developing the  
25 welfare of the wage earners of California; it is charged with  
26 improving their working conditions; and advancing their  
27 opportunities for profitable employment. I support this mandate,  
28





1 and my past years of service, I believe, demonstrate my  
2 dedication to the welfare of California's working men and women.

3         The Department has many important functions and programs  
4 that are designed to carry out its legislative mandates. Among  
5 these are six divisions identified by statute, which include:  
6 the Division of Industrial Accidents, the Division of  
7 Occupational Safety and Health, the Division of Labor Standards  
8 Enforcement, and the Division of Labor Statistics and Research,  
9 the Division of Apprenticeship Standards, and also the State  
10 Compensation Insurance Fund.

11         The Department also administers various other programs  
12 such as Self-Insurance Plans, the Uninsured Employers Fund and  
13 Self-Insurers Fund, as well as the determination of coverage and  
14 prevailing wages on public works.

15         I am committed to administering the Department in a  
16 manner consistent with our mandate, which means I have and will  
17 continue to vigorously enforce all of the applicable provisions  
18 of the Labor Code, the Industrial Welfare Commission, and the  
19 rules and regulations of the Department.

20         I am a law-and-order advocate. Those who continue to  
21 break or ignore the law are a destructive element in our society  
22 and their actions are detrimental to the law-abiding public. The  
23 Department, however, bears the burden of proof in any enforcement  
24 action and must be cognizant of its responsibility under the due  
25 process and equal protection provisions of our Constitution.

26         I have embarked upon what I would describe as a  
27 cooperative approach in the administration of the Department. By  
28



1 that I mean is it imperative to equally and fairly involve the  
2 constituencies we regulate and protect, where possible, in the  
3 decision making process. I have used that approach frequently  
4 and consistently and believe it will produce a climate of  
5 cooperation, rather than one of antagonism. I believe that such  
6 an approach also best articulates the goals of this  
7 administration and is consistent with the goals of California's  
8 working men and women.

9 As a manager, I'm an advocate of team play, loyalty both  
10 ways, decency and respect for the dignity of our staff. I do not  
11 condone and will not tolerate discrimination of any kind.

12 During these past many months, the Department has worked  
13 diligently to implement modern management techniques, which  
14 include the assignment of management and fiscal responsibility  
15 and accountability. We have expanded our efforts in training for  
16 our staff, coupled with the first attempt in State government, to  
17 my knowledge, to implement a quality of work life program. We  
18 also have initiated a variety of projects through the budget  
19 process directed at automating many of our activities. These  
20 efforts are all intended to help us achieve one of our goals,  
21 which is to make the Department one of the most efficient in  
22 state government.

23 In the context of my earlier remark about cooperative  
24 efforts, the Department recently worked closely with the Self  
25 Insurance Association to initiate, introduce, and have signed  
26 into a law a bill which guarantees that in the event of a  
27 bankruptcy of a self-insured employer, an injured employee will  
28



1 continue to receive his workers' compensation benefits with  
2 little or no interruption. I believe that example is indicative  
3 of the results that can be obtained through a cooperative  
4 approach to problem solving.

5         The multitude of issues that come before the Department  
6 are often volatile, usually extremely emotional and frequently  
7 consist of polarized positions by the parties involved.  
8 Consequently, it is rare that a decision is made that satisfies  
9 everyone; from a wage claim, to a workers' compensation decision,  
10 to an OSHA issue, someone undoubtedly will be aggrieved. Many of  
11 the statutes we administer provide for discretion by the decision  
12 maker, which is often the Director himself. In those instances,  
13 I prefer to deal with issues on a case-by-case basis and make  
14 decisions based on the facts, the law, and with the hope that my  
15 decisions are fair and impartial and do not favor one party over  
16 another.

17         In conclusion, as the Director of the Department and a  
18 member of the Governor's Cabinet, I report to and work for the  
19 Governor. I am committed to and will to the best of my ability  
20 carry out my responsibility within the framework of the  
21 Governor's policies and our existing statutory responsibilities  
22 and mandates.

23         Thank you, Senator.

24         CHAIRMAN ROBERTI: Thank you very much.

25         Any questions of Mr. Rinaldi?

26         SENATOR MELLO: Are you going to have public testimony  
27 first?







1 CHAIRMAN ROBERTI: Yes, I think that's preferable.

2 Thank you, Senator.

3 Are there any witnesses here in support? Yes, please  
4 come forward.

5 MR. O'HARA: Mr. Chairman and Members, Gerald O'Hara,  
6 California Teamsters Public Affairs Counsel.

7 I have communicated my support of Mr. Rinaldi's  
8 confirmation to the Committee in writing. I don't know if all of  
9 you have received this. It's quite dated back, but I'm sure sure  
10 staff has made you aware of it.

11 But I did want to say for the record that I have worked  
12 together with him in the past for many years, probably back to  
13 about 1971, when he was with the Governor's Task Force on  
14 Workers' Compensation, and as some of you know, I've been a  
15 member of the OSHA Standards Board for 11 years. During a lot of  
16 that time I was Chairman, and he worked under my direct  
17 supervision, such as a part-time board would.

18 He has always demonstrated a great level of fairness and  
19 responsibility, and I wanted to just make those comments for the  
20 record here today.

21 CHAIRMAN ROBERTI: Thank you very much, Mr. O'Hara.

22 Are there any witnesses in opposition? Please come  
23 forward. Please state your name and who you represent, if anyone  
24 other than yourself.

25 MR. HEYBURN: Thank you, Mr. Chairman.

26 My name is Bill Heyburn. I'm a former state employee.  
27 I worked for the Franchise Tax Board for 10 years as a tax  
28 auditor.



1           At the present time, I'm retired on a disability  
2 pension. And I am currently involved in litigation with the  
3 Workman's Compensation Appeals Board, which has been in process  
4 approximately three years.

5           I can appreciate Mr. Rinaldi's views, and in fact his  
6 views as stated eliminated about two-thirds of my message to the  
7 Committee. I just hope that what he says is true, but  
8 unfortunately my present experience with the Workman's  
9 Compensation Appeals Board doesn't bear that out. It may be that  
10 his actions just haven't filtered down to my level yet. I hope  
11 that does occur.

12           I just want to make the Committee aware of my general  
13 concerns as far as the program, and some actions, or whatever  
14 actions that Mr. Rinaldi could exercise in correcting some of  
15 these problems.

16           These very simply are: timeliness of benefits; what  
17 control is he actually going to exert over Workman's Comp. in  
18 accordance with the statutes of the law; and I'm interested also  
19 in knowing that if he is aware of some of the other serious  
20 abuses, maybe even criminal abuses, such as potential kickbacks  
21 from doctors to the attorneys within the system; other  
22 conflicting relations which exist between the involved parties in  
23 the system.

24           That's all I have to say. Thank you very much for the  
25 opportunity.

26           CHAIRMAN ROBERTI: Thank you very much.

27           Any questions? We appreciate your testimony.

28



1 Any other opponents? Please come forward.

2 MS. JOHNSON: My name is Helen a. Johnson.

3 Honorable David Roberti, Senator Doolittle, Senators  
4 Craven, Petris.

5 CHAIRMAN ROBERTI: Senator Mello was here.

6 MS. JOHNSON: I'm an Associate Industrial Hygienist with  
7 California OSHA. I have 7½ years of experience.

8 I wish to speak concerning the confirmation of Ron  
9 Rinaldi as Director of Industrial Relations, and to recommend  
10 that he not be confirmed for the following reasons.

11 D.I.R. has a history and a pattern of hiring management  
12 personnel who demonstrate nothing but contempt and disregard for  
13 the very law and statute by which California OSHA is guided.  
14 This is evidenced by D.I.R.'s post, past, and current attempts to  
15 reorganize California OSHA and to do so against the guidance and  
16 instructions of Labor Code 60.9.

17 AB 150 challenges the State of California to encourage  
18 industry and labor out of their undeveloped state into a more  
19 enlightened, improved, and progressive state. Labor Code 60.9  
20 sets guides, guidelines, to that end.

21 D.I.R. in its attempt to reorganize and thus to go  
22 against the grain of those aforementioned statutes has caused  
23 that such the California OSHA is so paralyzed and blinded by  
24 internal confusion and conflict that it currently cannot direct  
25 its own internal affairs, not to mention any affairs of the  
26 state.

27

28





1           The long-term effect of this is to cost both the state,  
2 both the public and private sectors, more money and to put  
3 workers and the public at greater health and safety risk.

4           The second reason that I oppose Mr. Rinaldi's  
5 confirmation as further evidence of D.I.R.'s attitude towards and  
6 mockery of the laws and statutes of the State of California is  
7 evidenced when during the first week of January, 1984, D.I.R.  
8 allowed management officials an offense of nepotism during a  
9 civil service examination for Senior Industrial Hygienists. Very  
10 shortly thereafter, allowed blatant repeats of that same offense  
11 during a subsequent interview and personal supervisions.

12           When these offenses and the resulting paralysis and  
13 hysteria were brought to D.I.R.'s attention, it was made clear  
14 that D.I.R. knew of these offenses, but were not amenable to with  
15 stopping or correcting these offenses.

16           Further, the results of complaints to management brought  
17 only promotion for one offender, transfer into a line management  
18 post for another, cover-ups and excuses for a third.

19           D.I.R. mocked -- thirdly, I should say -- D.I.R. mocked  
20 state laws again for a period of one year when a health  
21 management official was allowed state time, state office  
22 facilities, and state-paid secretaries to conduct his own  
23 personal business. D.I.R. explained to myself and apparently to  
24 Senator Agnos (sic) that there were no real problems here, and  
25 further downplayed the significance of these year-long actions  
26 and events.

27

28



1 All the while that the Deputy Chief of Health was  
2 conducting his own personal business, and at the state's expense,  
3 a far less experienced and knowledgeable person was misconducting  
4 state business and at a great misspent expense.

5 Fourthly, D.I.R. lawlessness has sometimes extended  
6 directly to the public. Evidence to this was given on March  
7 22nd, 1984, when two Black Americans inquired about probable  
8 health effects of PCB in the work place. Shortly after their  
9 inquiry, management was heard referring twice to these citizens  
10 as jigaboos, and management did such twice in front of both  
11 clerical and health professional staff.

12 The only known result in connection with this matter was  
13 that D.I.R. gave the offender a bonus of \$1,100 for, quote,  
14 "withstanding criticisms of the matter so well." Said offender  
15 was heard to say that he felt exonerated.

16 Gentlemen, Mr. Rinaldi has said in his presentation that  
17 he is a law and order advocate. Clearly his actions do not  
18 suggest that. His actions for the past 18 months have not  
19 suggested that.

20 D.I.R., for the seven years that I've known it, has not  
21 had actions that suggest that it's a law and order Department,  
22 not even that it supports its own statutes.

23 I request, if you've already considered placing this man  
24 in this very important post, keep in mind, gentlemen, this man  
25 will be a leader in one of our sectors, a very important  
26 position. It's important particularly at this time period in our  
27 history.  
28



1 I request your careful evaluation and consideration of  
2 these facts and incidents which I firmly believe attest to  
3 D.I.R.'s consistent patterns of behavior and overall attitude.

4 Ron Rinaldi has shown that he is qualified and capable  
5 of destroying or causing to be destroyed this \$30 million  
6 program, but he has not in the last 18 months shown that he's  
7 qualified to perform the duties of Director of Industrial  
8 Relations in a fair, just and compassionate manner.

9 CHAIRMAN ROBERTI: Thank you very much, Ms. Johnson.

10 MS. JOHNSON: Thank you.

11 CHAIRMAN ROBERTI: Are there any other witnesses?

12 Mr. Rinaldi, why don't you respond to some of the points  
13 which the two opponents have raised, and then we will ask you  
14 some questions that we have.

15 MR. RINALDI: Senator, I believe the first witness was  
16 Mr. Heyburn. I've never met the gentleman, but apparently he has  
17 at the present time a Workers' Compensation claim pending before  
18 the Workers' Compensation Appeals Board on reconsideration after  
19 a decision by the trial attorney -- the trial judge, in which he  
20 received what is called a take nothing award, which means that  
21 the trial judge found that his present disability was not a  
22 result of his employment.

23 That action, that decision, is now under appeal before  
24 the seven-member Workers' Compensation Appeals Board itself.

25 With respect to the conduct of that agency, I have no  
26 specific statutory authority to intervene in the processes  
27 conducted by that agency with respect to judicial application of  
28 the law.







1           The Workers' Compensation Appeals Board is a court of  
2 limited jurisdiction. The only control and authority I have over  
3 that agency is with respect to budgetary kinds of issues, working  
4 conditions for its employees, and so forth. I have no ability  
5 whatsoever to intercede in the claim that he presently has  
6 pending.

7           CHAIRMAN ROBERTI: Thank you.

8           Regarding the case Ms. Johnson raised about the bonus  
9 for the gentleman who made the statements. Are you aware of that  
10 situation? Did he make the statements; did the statements come  
11 to your attention; did you know about the bonus?

12           MR. RINALDI: Perhaps I could respond in the order in  
13 which Ms. Johnson testified.

14           One of the points she made was that the Department or  
15 the Division of Occupational Safety and Health is attempting to  
16 reorganize itself in such a manner that would be detrimental to  
17 the conduct of business and would be contrary to existing law.

18           The present organization structure used by the Division  
19 of Occupational Safety and Health is one that was implemented  
20 several years ago and is still in force and effect. The people  
21 in charge of that program, Mr. Valoff and Mr. Stranberg, have  
22 been attempting to find any ways they could find to make that  
23 organization more efficient, more responsive to the needs of  
24 management. Consequently, they did propose a reorganization  
25 that, in my view, was entirely legitimate.

26           I've talked to Ms. Johnson about her concerns and told  
27 her that if she had any ideas on how the Division could better be  
28



1 reorganized, I'd be interested in learning those from her, and we  
2 would take those under consideration.

3 She secondly charged me with having a somewhat negligent  
4 attitude with respect to nepotism, and referred to a particular  
5 instance that occurred in the Division of Occupational Safety and  
6 Health. I learned about that particular situation long after it  
7 had occurred. I ordered Mr. Valoff to comply with Department  
8 policy, which in effect states and is consistent with state  
9 policy that nepotism will not be permitted, nor will the  
10 perception of nepotism be permitted.

11 The individual involved was transferred to another  
12 program within the Department so as to remove any potential for  
13 nepotism with a fellow worker.

14 With respect to the allegation that one of our  
15 appointees, the Deputy Chief for Health, was violating state law  
16 by conducting personal business, I categorically deny that. The  
17 gentleman in question was Dr. Charles Powell, who was appointed  
18 by the Governor. He was a the President of the National  
19 Association of Governmental Industrial Hygienists.

20 He did conduct business for that organization. It was  
21 all done on his own time at his own expense, although he did use  
22 a secretary on occasion to write letters associated with his  
23 position as the President of that organization. When he was  
24 interviewed by the former Director for the position, the former  
25 Director assured him that he would be allowed to continue to  
26 serve his term as President of that organization.

27

28



1           Also subsequent to that time, the Auditor General  
2 investigated those allegations and concluded that Dr. Powell was  
3 not guilty of any breaking of any rules, state rules, with  
4 respect to the use of his office.

5           With respect to the incident regarding one of the OSHA  
6 District Managers, when I heard about that, I ordered an  
7 investigation by the Division; the investigation was conducted.  
8 The person involved admitted using the phrase. He used it in his  
9 office after the two people involved had left the office.

10           As a consequence of that investigation, he was  
11 reprimanded by a Mr. Dave Valoff, the Chief of the Division of  
12 Occupational Safety and Health. Subsequent to that time, and  
13 after the fact, I learned that he did receive a bonus. There's a  
14 program in effect that allows managers and supervisors to qualify  
15 for a bonus if, in fact, their performance meets certain  
16 criteria. The process is one in which the Regional Manager  
17 evaluates the candidates; the evaluation is reviewed by the  
18 Deputy Chief for Safety, which is what occurred in this case.  
19 The individual involved was given a rating of about 87%, which is  
20 deemed to be well-qualified, and he was granted a bonus of 1100  
21 and some odd dollars.

22           Since that has occurred, I've asked the Chief of the  
23 Division of Occupational Safety and Health to review not only the  
24 criteria they utilized for granting bonuses, but review the whole  
25 process that they're using for making those kinds of  
26 determinations.

27

28







1 I personally have no knowledge of the abilities of the  
2 supervisor involved. Consequently, I did not feel I was in any  
3 kind of a position to overrule the determination by the Deputy  
4 Chief to grant that bonus.

5 And that's where it stands today, Senator.

6 CHAIRMAN ROBERTI: So when the bonus was granted, you  
7 did not know of the bonus?

8 MR. RINALDI: Not at that time.

9 CHAIRMAN ROBERTI: You did not make the evaluation?

10 MR. RINALDI: I did not make the evaluation. I did  
11 discuss that evaluation with Mr. Bob Stranberg. He assured me  
12 that the prior incident was taken into consideration in the  
13 evaluation of that particular candidate, and in fact he was  
14 graded the lowest of the four people in that district in one  
15 particular category dealing with relationships with people.

16 CHAIRMAN ROBERTI: Thank you.

17 We will next proceed with some questions directly of  
18 you, Mr. Rinaldi.

19 Right now I'll declare a five-minute recess.

20 (Thereupon a brief recess was taken.)

21 CHAIRMAN ROBERTI: The meeting will come to order.

22 Mr. Rinaldi, the previous Director, Mr. Veysey,  
23 established in 1983 goals and objectives for the Department.  
24 Plan changes to existing practices included: voluntary employer  
25 compliance; modification of penalties; the elimination of some  
26 child labor laws in agriculture and in the entertainment  
27 industry; and modification of methods for setting the prevailing  
28 wage.



1           Are these goals and objectives still in force? If so,  
2 have any adjustments been made in the past 18 months?

3           MR. RINALDI: Senator, Members, yes, we still have  
4 departmental goals and objectives in force. They have been  
5 substantially modified since 1983. Each operating division is  
6 required to establish goals and objectives that are consistent  
7 with the Department's statutory mandates and the Department's own  
8 goals and objectives.

9           With respect to the three issues you're talking about,  
10 I'm not sure what is meant by planned changes to existing  
11 practices and modification of penalties, but I believe that at  
12 the time that was written, that referred to a couple of  
13 situations in which we had assessed penalties, or the Division of  
14 Labor Standards had assessed penalties of like \$750,000 against  
15 an employer with three employees because of the nature of the way  
16 the statutes are written. That particular provision in that  
17 document, I believe, was intended to look at that and see if that  
18 was really an equitable way to go, in which civil penalties are  
19 much harsher than you would see anywhere else.

20           With respect to elimination of child labor laws in  
21 agriculture and entertainment, I believe there may have been some  
22 misconception. The bill was to comply with AB 1111, which  
23 requires a review of all regulations by all agencies, and to  
24 eliminate those regulations that do not meet the statutory test  
25 contained in that statute, one of which is necessity.

26           In fact, the Labor Commissioner has held hearings for  
27 the last year in which he is strengthening the regulations with  
28



1 respect to child labor, particularly in the entertainment  
2 industry.

3 With respect to the modification of methods for setting  
4 prevailing wage rates, we have not modified those methodologies  
5 except in one area, and that is in determining prevailing fringe  
6 benefits. In the past, on occasion the prior administration did  
7 not adopt prevailing fringe benefits. We now do adopt prevailing  
8 fringe benefits in each and every instance in which we do a  
9 survey, because I believe that's what the law mandates.

10 CHAIRMAN ROBERTI: Thank you.

11 The Governor's generally attempted to reduce the number  
12 of personnel in state agencies.

13 Do you believe the Department can meet its various  
14 mandates in the law without increasing positions?

15 MR. RINALDI: I believe at the present time, given the  
16 augmentations to the Department in the current budget year, that  
17 we have adequate resources to meet all of our statutory mandates  
18 in a timely and efficient manner, Senator.

19 CHAIRMAN ROBERTI: What about the Department's role in  
20 inspecting things such as sewing sweatshops, and things of this  
21 nature?

22 MR. RINALDI: As you may --

23 CHAIRMAN ROBERTI: There've been a number of publicized  
24 complaints every once in a while that things seem to be going  
25 rather slowly in that area.

26 MR. RINALDI: As you may recall, there was control  
27 language in the budget that required us to reorganize the  
28







1 Division of Labor Standards Enforcement. We now have a Bureau of  
2 Field Investigation that consists of close to a hundred people.  
3 We believe that as that program becomes more established, that we  
4 will in fact be able to inspect more places than we had in the  
5 past.

6 We also have put together a task force in the garment  
7 industry that virtually every Friday sweeps certain areas where  
8 we think there may be violations. And we do that on a regular  
9 basis almost every Friday.

10 We have issued more citations in 1984 than we did in  
11 1983, and we hope to increase that next year.

12 CHAIRMAN ROBERTI: Thank you.

13 Senator Petris.

14 SENATOR PETRIS: Thanks, Mr. Chairman.

15 I'm concerned about one area of OSHA relating to cancer  
16 threats, carcinogens.

17 We enacted a control act in 1976 that gave to the  
18 Division of OSHA or DOSH, the Division of Occupational Safety and  
19 Health, the responsibility for registration of carcinogen use,  
20 you know, by employers, and to initiate some standards and review  
21 them, and review the federal standards to provide some inspection  
22 on the site and enforcement of the law.

23 The reason we did it, we were cautioned by the people in  
24 the field, and medical people and others, that it was a rising  
25 problem, was going to get worse and worse.

26 Do you have a handle on this Department? I'd like to  
27 know some things about what your outlook is. Do you still see  
28 that as a serious problem here in California?



1 MR. RINALDI: The use of carcinogens?

2 SENATOR PETRIS: Yes.

3 MR. RINALDI: Certainly I believe not only the use of  
4 carcinogens, but I believe the use of toxics in their entirety in  
5 California and nationally is a major problem. It's a major issue  
6 that's coming to the forefront more and more.

7 I believe that we have a responsibility to look into  
8 potential hazards to employees in the workplace using toxics, or  
9 any other material that may subsequently be deemed to be a  
10 carcinogen.

11 We have this year added staff to our Carcinogen Control  
12 Unit. We are registering carcinogen users. I believe there's  
13 some 4,000 now registered with the Division, some 4,000-plus, I  
14 believe carcinogen users.

15 Our Carcinogen Unit sends lists of those users to our  
16 Field Compliance people, and they're expected to conduct periodic  
17 inspections of many of those users who appear on those lists.

18 SENATOR PETRIS: How many in your unit? I understand  
19 there's only two; is that correct?

20 MR. RINALDI: In the Carcinogen Control Unit?

21 SENATOR PETRIS: Yes.

22 MR. RINALDI: I believe there's three. There may be  
23 only two.

24 SENATOR PETRIS: I don't know. It says there was a 100  
25 percent increase --

26 MR. RINALDI: You're probably correct, Senator.  
27  
28



1           SENATOR PETRIS: -- in the size, which sounds great,  
2 except it went from one to two.

3           MR. RINALDI: I think there was one. There is now two  
4 that we added in this budget year.

5           Their primary responsibility is not field enforcement.  
6 Their primary responsibility is to handle the registrations and  
7 disseminate information to Field Compliance for subsequent  
8 enforcement.

9           SENATOR PETRIS: Can they cover that for 4,000 users?

10          MR. RINALDI: I'm informed that they can, yes, sir.

11          SENATOR PETRIS: Now on the other part of it, the  
12 inspections, carcinogen inspections, my understanding is that  
13 they were reduced very substantially last year over the previous  
14 year: 29 percent reduction in carcinogen inspections, and a 15  
15 percent reduction in health inspections over all in 1984 compared  
16 to 1983.

17          Would you comment on that? That seems to me to be going  
18 the wrong way, unless we seem to have solved the problem and have  
19 it under control. I don't think anyone contends that.

20          MR. RINALDI: Certainly, Senator, I hope we have turned  
21 that around. I believe part of that had to do with the turmoil  
22 going on in the Carcinogen Unit and the Deputy Chief for Health,  
23 who has since resigned. There were a lot of difficulties in the  
24 administration of the Division at that particular period of time,  
25 a lack of leadership, and a variety of other things.

26          Nevertheless, we did ask for help from the Governor. We  
27 got some help. We're confident we can turn that around this  
28 year.





1           SENATOR PETRIS: What kind of help did you get?

2           MR. RINALDI: We got the one extra position in the  
3 Carcinogen Unit.

4           SENATOR PETRIS: That's not field inspection. As you  
5 said earlier, that doesn't cover the field.

6           MR. RINALDI: We did not get any help in field  
7 inspection. They expected --

8           SENATOR PETRIS: Shouldn't that get some attention when  
9 it's such a significant drop in the number of inspections?  
10 Probably wasn't enough to begin with in '83.

11          MR. RINALDI: I'm not sure that I understand why the  
12 drop occurred in the first place. Our field staff is expected to  
13 inspect users of carcinogens as part of our standard operating  
14 procedure. I really don't know why that particular drop  
15 appeared.

16          SENATOR PETRIS: Is there anyone here with you from your  
17 shop who can tell us?

18          MS. JOHNSON: Yes, I am, sir.

19          SENATOR PETRIS: Can you come forward?

20                 I'm concerned about this not only as a general health  
21 matter, but as one who has carried legislation regarding health  
22 and safety of the people on the job, and in view of the rash of  
23 problems we've discovered with asbestosis, for example, it seems  
24 to me we ought to be on the alert; we ought to have enough  
25 warning that there are substances out there in the workplace that  
26 cause cancer, and we ought to really be monitoring that very,  
27 very carefully.

28



1           Instead of having shortages of inspectors, if anything  
2 we ought to have a surplus. I'd rather have more than we need  
3 than not enough.

4           Can you tell us what's happening there?

5           MS. JOHNSON: Senator Petris, as I expressed earlier,  
6 the seven years that I've been with D.I.R., they've always worked  
7 to de-emphasize or to downplay occupational health problems.

8           The Carcinogen Unit is part of the Occupational Health  
9 branch. When I came into the Division, I came into the  
10 Carcinogen Unit. For whatever reasons, many people thought that  
11 that Unit was a bit of a folly. And D.I.R., through the years,  
12 moved to phase that Unit out.

13           The Health staff did try to bring that to the attention  
14 to the Legislators. We pointed out, I think in 1983, that while  
15 the Unit was still funded as fully as it was when I was in the  
16 Unit, there wasn't any staff in there.

17           Health matters --

18           SENATOR PETRIS: Why can't the Department hire staff?  
19 Why do they have to come to us? Can't they go to the Governor  
20 and say: We need more money for this year's budget because we're  
21 short of help?

22           MS. JOHNSON: I would suggest that it would be their  
23 attitude. I mean, if they went to the Governor and they were  
24 really serious about their concern about occupational health  
25 matters and pursuant of that, I doubt seriously if Governor  
26 Deukmejian wouldn't give them more funds.

27

28



1 But I don't think that D.I.R. is really committed to the  
2 eradication of our occupational health matters in this community.

3 SENATOR PETRIS: Who is it in D.I.R. that has to make  
4 that commitment?

5 MS. JOHNSON: I would suggest that the Director's office  
6 and the Deputy Chief of Health and the Chief. We've talked with  
7 previous Deputy Chiefs of Health, and part of their problems, or  
8 one affliction was that they didn't have any discipline in  
9 preventive medicine and allied health fields. The past -- the  
10 recent Deputy Chief of Health did have that discipline, but he  
11 was so about self-serving purposes they didn't have time to get  
12 around to the occupational health matters.

13 SENATOR PETRIS: Now, who's his boss?

14 MS. JOHNSON: His boss, as I've learned from Labor Code  
15 57.1 is Ron -- Director Rinaldi. Labor Code 57.1 says that the  
16 Deputy Chief of Health and the Deputy Chief for Safety is to  
17 report directly to the Director of Industrial Relations.

18 SENATOR PETRIS: Well, I have a note here that says that  
19 last year you mentioned preventive --

20 MS. JOHNSON: Preventive medicine.

21 SENATOR PETRIS: Yes, and last year there were only 44  
22 targeted carcinogen inspections with a view to prevention, which  
23 was a drop of about 54 percent from the prior year.

24 Did you cover that earlier in your testimony?

25 MS. JOHNSON: Yes.

26 SENATOR PETRIS: Okay, I don't want to have it repeated,  
27 so therefore I won't --

28





1 MS. JOHNSON: I could address the drop; I didn't address  
2 that.

3 Any effort in occupational health matters take time.  
4 D.I.S., or before that it was D.I.R., were into -- sorry to say  
5 -- paramilitary and parapolice type efforts where occupational  
6 safety was concerned. They've tried, in their efforts to speed  
7 up the Occupational Health branch, they've tried to get us to  
8 adopt paramilitary, parapolice type tactics. We just go out real  
9 fast and come back in.

10 Their excuses are -- is that you people have a report  
11 card that they are expected to meet. You expect them to have so  
12 many numbers. Therefore, we are not practicing preventive health  
13 and medicine at all. We are just doing something. We're giving  
14 you some numbers. That's what it amounts to.

15 SENATOR PETRIS: Thank you.

16 Let me ask you, Mr. Rinaldi, along these lines. First  
17 of all, I'd like to know what your intentions are regarding this.

18 I understand that even when we have full staffing to  
19 cover those work sites, which is 4,258, only about 10 percent of  
20 the registered work site would be targeted, because that's what  
21 full staffing means. It's a very, very small number.

22 I'm wondering if that's adequate; whether it shouldn't  
23 be a third, or a fourth, or 50 percent? It doesn't seem to me to  
24 be adequate.

25 I'm wondering, in view of what was just said, if you're  
26 going to be reappraising this area, and moving into much more  
27 intensive activity with respect to carcinogens?  
28



1 MR. RINALDI: Senator, let me respond to that in a  
2 couple of ways.

3 In the first instance, the Deputy Chief for Health and  
4 the Deputy Chief for Safety are both appointed by the Governor,  
5 and they report to Dave Valoff, the Chief of that Division. The  
6 law says that all three of those people serve at my pleasure, but  
7 I do not directly supervise the operation of that Division. It's  
8 done by the Chief of the Division of Occupational Safety and  
9 Health.

10 I certainly share with you --

11 SENATOR PETRIS: Who's that?

12 MR. RINALDI: Mr. David Valoff.

13 I certainly share with you that carcinogens are a  
14 problem and are an issue in terms of their occurrence in the  
15 workplace.

16 SENATOR PETRIS: Are you having a problem supervising  
17 them because there's no direct chain of command in the law, other  
18 than firing them? Is that what you're telling me?

19 MR. RINALDI: No. In response to Ms. Johnson's  
20 statement that I supervise them direct is not an accurate  
21 statement.

22 SENATOR PETRIS: Does anybody supervise them?

23 MR. RINALDI: They're supervised by the Chief, Mr.  
24 Valoff. She was referring to the Deputy Chief of Health.

25 SENATOR PETRIS: I see, okay. Is Mr. Valoff --

26 MR. RINALDI: He's the Chief of the Division --

27 SENATOR PETRIS: He reports to you?  
28



1 MR. RINALDI: He reports to me. He was appointed by the  
2 Governor and confirmed by the Senate.

3 I have asked Mr. Valoff to -- well, let me say secondly,  
4 there is certainly no intention on behalf of this administration  
5 to downgrade our efforts in the area of health problems in the  
6 workplace. That's categorically untrue; it was untrue in the  
7 last administration, although Ms. Johnson alleges the opposite.  
8 We have no intention whatsoever.

9 I feel that when ever I believe, or my division managers  
10 believe, that we need help, I'm fully prepared to present that  
11 case to the Governor. Once the decision is made, however, I'm  
12 required to live with that decision and carry on my  
13 responsibilities with the resources given to me.

14 As I indicated earlier, in the current budget year the  
15 Governor approved an augmentation of 45 positions for the  
16 Department, 21 of which went into Cal/OSHA.

17 SENATOR PETRIS: Are any of those Field Inspectors?

18 MR. RINALDI: No, they weren't.

19 SENATOR PETRIS: Why not? What gets higher priority  
20 than that?

21 MR. RINALDI: Most of those positions went into the  
22 Carcinogen Unit -- if I could remember them all now -- MSDS, the  
23 Material Safety Data Sheet Unit, which is required to review  
24 material safety data sheets.

25 SENATOR PETRIS: I understand there's a big gap there, a  
26 big --

27 MR. RINALDI: We have augmented --  
28





1           SENATOR PETRIS:  -- a big log jam.

2           MR. RINALDI:  We inherited several boxes of material  
3 safety data sheets.  The law requires that the manufacturer send  
4 a copy of all material safety data sheets that they produce to  
5 the Division.  We have augmented that particular unit, and we  
6 also have secured funds to go to an outside contractor to review,  
7 to help us to review, the backlog of those material safety data  
8 sheets and help us set up criteria on which they will be  
9 reviewed.  And that will all be automated, or a large part of  
10 that will be automated.  Once the contractor is finished, we're  
11 confident that we'll be able to keep up in the future with  
12 material safety data sheets.

13           SENATOR PETRIS:  I think that's very important, and I'm  
14 delighted to hear that.

15           I'm just wondering why there aren't also efforts being  
16 made to increase the number of Field Inspectors.  There's been a  
17 vacancy factor of about 35 percent that you inherited; it was  
18 before you came in, I believe, but I'm not sure.

19           Shouldn't there be a similar effort in that direction?  
20 I don't know of any better way to stay on top of things than  
21 through frequent inspections in the largest possible number of  
22 sites, whatever it takes to do the job.

23           MR. RINALDI:  I guess that's an issue, Senator, that we  
24 can probably discuss and debate forever.  There are over 500,000  
25 places of employment in the State of California.

26           SENATOR PETRIS:  There's 4200 units that we're talking  
27 about, carcinogen units.

28



1 MR. RINALDI: Those are registered users. That doesn't  
2 necessarily mean that all of them have the kind of process or  
3 procedure that would warrant priority inspections. They may just  
4 have a certain kind of carcinogen in a concealed container or  
5 some other thing on the premises.

6 Generally we're going to direct our resources where we  
7 believe there's a hazard, and that's part of the function of that  
8 Unit, to direct our field staff to those registered users where  
9 we believe there may or may not be a hazard.

10 SENATOR PETRIS: Do you have the feeling that's being  
11 adequately covered now, even though there's --

12 MR. RINALDI: Well, some of our people think that 10  
13 percent is adequate. I'm not so sure that is adequate or not. I  
14 really don't know, but I've asked Mr. Valoff and Mr. Stranberg to  
15 review their policy and take a look at it.

16 SENATOR PETRIS: And you'll let us know what you find  
17 out?

18 MR. RINALDI: Sure will.

19 SENATOR PETRIS: That 10 percent assumes there's a full  
20 staff, but we're not working with a full staff.

21 MR. RINALDI: I believe we have pretty close to full  
22 staff. We have had some difficulties hiring Industrial  
23 Hygienists just because they are scarce and there's a lot of  
24 competition, both within and outside of government to hire  
25 Industrial Hygienists.

26 SENATOR PETRIS: Have you looked into the cancer problem  
27 for fire fighters? You know, we have a statute that says there's  
28



1 a presumption under certain conditions that the cancer was caused  
2 by a job-related problem.

3 That's going to go out in a few years, in '89; maybe  
4 that's too remote for you to look at right now.

5 MR. RINALDI: I have not specifically looked into that,  
6 Senator. I'm aware that that bill does sunset, I believe you  
7 said in 1989.

8 Brian Hatch of the Fire Fighters has talked to me about  
9 it. I'm not prepared to answer what our position would be if and  
10 when legislation is introduced on that.

11 SENATOR PETRIS: I think it probably is early to ask  
12 you.

13 MR. RINALDI: Yes, sir.

14 SENATOR PETRIS: Do you have a time schedule on this  
15 MSDS that you hope to catch up?

16 MR. RINALDI: I'm not sure if I can answer. I believe  
17 the contractor's required to clean up the backlog within six  
18 months. I could be wrong exactly on the timing of the contract.  
19 I don't have the contract with me.

20 We believe once that's done, then we will be capable of  
21 keeping up with material safety data sheets. We will be able to  
22 evaluate them to ensure that the information contained is  
23 accurate, and to the extent it's not accurate, we have developed  
24 a system to notify the manufacturer that their MSDS is  
25 insufficient.

26 SENATOR PETRIS: What is your position generally when  
27 there's a difference between our statute and the federal?

28





1 Over the last few years, we have found more and more  
2 that our laws generally, in areas for protecting workers and a  
3 lot of other areas which involve protection of people generally,  
4 our standards are tougher than the federal.

5 That puts the administrator in a dilemma. What do you  
6 do? Do you just say: Well, we're going to go with the feds, or  
7 are you going to insist on enforcement of the California standard  
8 which in this case, for example, we cover all workers; the  
9 federal covers only those in manufacturing. And yet we know  
10 there are dangers in other parts of the work force, too.

11 How do you handle that?

12 MR. RINALDI: In that particular instance, Senator, I've  
13 recommended that we maintain our present posture, that we keep  
14 all of the existing protections under state law and under the  
15 regulations adopted by the Occupational Safety and Health  
16 Standards Board. We also have sponsored some legislation that  
17 would clarify that we have no intent of going backwards or going  
18 to the federal standards at this point in time.

19 SENATOR PETRIS: I'm glad to hear that.

20 How about pesticides? Have you looked into them at all,  
21 or are they just considered to be Agriculture's baby?

22 MR. RINALDI: No, we have a Memorandum of Understanding  
23 that's existed for several years with the Department of  
24 Agriculture in which we really kind of share pesticides. Our  
25 jurisdiction has to do with the employee exposure.

26 I have meet with Clare Berryhill, the Secretary for  
27 Agriculture, on a couple of occasions, and our respective staffs  
28



1 are reviewing that document at the present time to determine if  
2 any changes need to be made.

3 I'm not aware of any problem. We continue to enforce  
4 exposures to employees in using pesticides.

5 SENATOR PETRIS: Do you coordinate and take care of the  
6 overlapping and so forth?

7 MR. RINALDI: Yes, we do.

8 SENATOR PETRIS: You don't anticipate any problems  
9 there?

10 MR. RINALDI: I certainly don't.

11 SENATOR PETRIS: What does your Department see ahead by  
12 way of occupational health problems or issues?

13 For the guy that's out there working in a large number  
14 of different fields, this has loomed up in the last few years as  
15 the leading cause of worry on the job, other than trying to keep  
16 the job itself, worry about a person's health being affected.

17 What do your people tell you, or what do you see as the  
18 major health issues ahead of us? Is it toxics; is it chemicals;  
19 is it different kinds of carcinogens? What is it that we have to  
20 prepare for?

21 MR. RINALDI: I think all of those, Senator. I think  
22 those are all legitimate issues. There are probably more than  
23 50,000 chemicals in the workplace today. There are a number of  
24 agencies studying the use of those chemicals, primarily people  
25 like NIOSH, the National Institute of Occupational Safety and  
26 Health. There's all kinds of research being done on  
27 carcinogenicity of many of those materials. It's a long,  
28



1 difficult process. It's one that's pretty difficult to predict  
2 whether or not a particular substance -- an employee exposed to a  
3 particular substance over any extended duration will or will not  
4 have any severe consequence from that.

5 It is a very difficult thing, but certainly toxics in  
6 the workplace and toxics everywhere is an issue today that we're  
7 well aware of.

8 SENATOR PETRIS: Do you see your role as one of  
9 contributing to constant re-evaluation of standards and upgrading  
10 standards as the problems arise?

11 MR. RINALDI: Certainly. That's one of the mandates of  
12 the Division of Occupational Safety and Health, and in that  
13 regard we work closely with the Department of Health and HEIS,  
14 which is the Hazard Evaluation Information System, who does a lot  
15 of literature research. When they think there might be a  
16 problem, they advise us and we usually take a look at it.

17 One of the processes we generally use, Senator, and one  
18 of which I'm a great advocate of, is the use of advisory  
19 committees. Whenever those kinds of issues come up, we normally  
20 appoint an ad hoc kind of a volunteer advisory committee to  
21 discuss the issue. Often out of that will arise a standard or a  
22 modification of a standard based on the current literature.

23 SENATOR PETRIS: Do you have any of those active now?  
24 Are there any particular problems now you're keying in on?

25 MR. RINALDI: Oh, I believe the Division of Occupational  
26 Safety and Health is dealing with several issues, like styrene,  
27 formaldehyde; there's a number of issues going on, yes, sir,  
28 under study.







1           SENATOR PETRIS: Well, the reason I ask is, you know  
2 that some people don't look at these things as standards. They  
3 just look at them as more government regulation, more government  
4 interference. There's sometimes a tremendous resistance.

5           It seems to me to be very important for the Director to  
6 be aware of that part of the statutory responsibility, which is  
7 to keep an eye on what's happening right now; what looks like is  
8 coming up in the near future; and whether or not the standards  
9 are adequate to meet the problem, and where they need to be  
10 adjusted.

11           I'm glad you're on top of it.

12           MR. RINALDI: Thank you.

13           SENATOR PETRIS: I don't know if this has been  
14 discussed, Mr. Chairman, and if it has I'll skip over it, but we  
15 have this PG&E problem that was brought to our attention by the  
16 electrical people, the union, regarding the use of this platform  
17 from a helicopter which involves servicing these 500,000 volt  
18 wires with your bare hands.

19           I didn't know you could do that, to tell you the truth.  
20 I thought when you got past a few thousand you were in big  
21 trouble.

22           There seems to be quite a controversy swirling around  
23 this, and around the state's willingness to step in and try to do  
24 something on the ground that, well, it hasn't been demonstrated  
25 to be that much of a problem.

26           Can you tell us what's happening there?  
27  
28



1 MR. RINALDI: I will try to describe that scenario for  
2 you, Senator.

3 PG&E has contracted with an organization, I believe,  
4 called Havisport Helicopters, Incorporated. I believe they're  
5 out of Florida. It's an organization that's had a great deal of  
6 experience in conducting that particular operation in Florida.

7 The problem they're dealing with is the primary lines  
8 coming down from the Northwest that feed all the Western states.  
9 They're having a problem with their spacers deteriorating, which  
10 causes shutdowns of the lines.

11 They've contracted with this organization to replace  
12 those spacers by using a helicopter that has a platform attached,  
13 in which an employee is situated and tied onto that platform.

14 We have issued three citations to the helicopter company  
15 for violation of two safety orders, a third citation for failure  
16 to abate. We've also cited the helicopter company for failing to  
17 have a contractor's license, and I believe they're considering  
18 citing PG&E now at the present time for employing -- for  
19 contracting someone without -- who does not have a contractor's  
20 license.

21 Basically it is our opinion that because of the  
22 polarity, the equal polarity between the helicopter and the  
23 lines, there is no danger of electrocution. You've seen a bird  
24 sit on a high voltage line and nothing happens. There's no  
25 possibility of grounding.

26 SENATOR PETRIS: Birds fly, too, and I can't fly. I  
27 could sit on the wire, but I don't know if I want to do that.  
28



1 MR. RINALDI: Helicopters fly, too.

2 The other part of that issue was whether or not there  
3 was a flying hazard with respect to the use of the helicopter in  
4 terms of entanglement with the lines.

5 SENATOR PETRIS: Are you saying that touching is not a  
6 problem then?

7 MR. RINALDI: Not in that situation.

8 SENATOR PETRIS: I see.

9 MR. RINALDI: With respect to the helicopter operating  
10 in proximity to those lines, Cal/OSHA brought two very  
11 experienced pilots, helicopter pilots, from the Department of  
12 Forestry up there Friday. I do not have their reports yet, but  
13 it's my understanding that they believe that it's an  
14 exceptionally clean -- what they refer to as sanitary and very  
15 safe operation. The equipment is the most advanced known in  
16 terms of helicopters, and they would have no problems, these two  
17 helicopter pilots, in conducting that.

18 SENATOR PETRIS: Other than the lack of a license, what  
19 were the other two citations for against this company?

20 MR. RINALDI: Haversfield was cited for coming within, I  
21 believe, distance requirements to high voltage lines. There's a  
22 regulation that prohibits operating within -- I forget if it's  
23 six or ten feet of a high voltage line, or a line above 750,000  
24 volts.

25 They were also cited in terms of another section for  
26 operating the helicopter within close proximity of existing  
27 structures. They were then cited for failure to abate; they were  
28





1 also cited for failure to have a contractor's license, and  
2 they're now exploring whether or not to cite PG&E as a result of  
3 all of that.

4 It's my understanding that PG&E disagrees totally with  
5 us. They do not believe that they're in violation, and the  
6 helicopter company has filed an appeal from all of those  
7 citations with the Occupational Safety and Health Appeals Board.

8 SENATOR PETRIS: Just a couple more subject areas, if  
9 you can bear with me.

10 One is something I've been interested in for the last  
11 couple of years, the voluntary compliance program. I understand  
12 that Cal/OSHA has proposed or is about to propose a cooperative  
13 self-inspection program which would mean the employers do it  
14 themselves; they're exempted from the regularly scheduled  
15 programs by the state. There's occasional conferences with the  
16 Field Inspection staff to go over technical matters, but  
17 essentially what the difference is, they do it on their own  
18 rather than being compelled to do it after the state people come  
19 through and say: You have to do this and that.

20 Can you tell us a little bit about that program and the  
21 thrust of it?

22 MR. RINALDI: Yes, Senator.

23 It was a program that was started by the prior  
24 administration and which I sincerely applaud them for. They had  
25 this program in effect in about, I think, seven major  
26 construction sites such as San Onofre, in which labor and  
27 management agreed to in effect self-police their own safety and  
28



1 health operation with the use of one of our people as the  
2 monitor, I guess is as good a description as any.

3 In all of those instances, we feel there was remarkable  
4 success. In one case, our people estimate that a reduction of  
5 injuries of as much as 80 percent resulted because of that  
6 program.

7 I've been very interested in that program. I would like  
8 to expand that program to other employers, not just the  
9 construction industry, but to fixed establishments under the same  
10 concept in which the employer would agree to have an  
11 Employee-Management Safety and Health Committee with the  
12 authority to correct all violations or all dangerous situations  
13 that they find on the job.

14 We have signed a pilot contract with Martin Murietta in  
15 Southern California as the first fixed establishment. We are  
16 negotiating with federal OSHA at the present time, who has a  
17 variety of similar programs that all basically arose out of  
18 California's initial efforts in that regard.

19 SENATOR PETRIS: There were some pilot programs in the  
20 past.

21 MR. RINALDI: There were seven in California.

22 SENATOR PETRIS: Which included the management and  
23 worker committees.

24 MR. RINALDI: That's right.

25 SENATOR PETRIS: Are those committees going to continue?

26 MR. RINALDI: Yes, sir. Under the criteria we're  
27 proposing, if anyone wanted to come into that program, they would  
28



1 have to meet a number of criteria, one of which is primarily that  
2 you have to agree to have a Management-Employee Committee who has  
3 the authority, and that you're willing to correct whatever they  
4 find without debate. Now, that's key to it.

5 SENATOR PETRIS: Where you have a vigorous union, you  
6 know, which is being prodded by its members to check out this  
7 problem and that, or vice-versa, you get a certain of activity.

8 What does the Department do where there's a nonunion  
9 work site, and there's no such representative to add to the  
10 monitoring?

11 MR. RINALDI: Well, we've never had one of those yet,  
12 but basically my view is that there's no reason why it can't work  
13 in that environment if we make the -- if we require assurances  
14 from the employer that the representation on the committee will  
15 be done by a democratic process, that there will be no  
16 retaliation, and we would fully intend to monitor that project.  
17 If the employer fails to live up to the terms of the agreement,  
18 we will remove the agreement.

19 SENATOR PETRIS: How would you know if nobody's  
20 complaining?

21 MR. RINALDI: Well, normally --

22 SENATOR PETRIS: For example, there's a problem in my  
23 county right now. There's a big contract been let by CalTrans to  
24 a organ, nonunion company, for a very good-sized project. That's  
25 a nonunion work site.

26 Who's going to prod you, for example, if there's no  
27 diligent union spokesperson to do it? They don't have that in a  
28





1 nonunion situation. I don't know of anyone who would want to  
2 take the chance to rock the boat and do it.

3 So, how does that come to your attention? You've got  
4 voluntary inspection by the employer; you don't have your people  
5 out there; you don't have a union person prodding you. How do  
6 you learn about it unless there's some major tragedy, major  
7 accident?

8 MR. RINALDI: That's a good question, Senator. I'm not  
9 sure how we would know about it. I'm not sure at this point that  
10 it'll work in that kind of an environment. I think it'll work,  
11 and I'd like to try it.

12 We believe by having the monitor presence, that if any  
13 discriminatory or retaliatory action occurred on behalf of the  
14 employer, that we would hear about it. It would require,  
15 obviously in that situation, a lot closer monitoring by us than  
16 it would where there's a union present.

17 SENATOR PETRIS: Thanks, Mr. Chairman. I didn't mean to  
18 take that much time.

19 Thank you, Mr. Rinaldi.

20 CHAIRMAN ROBERTI: Last year the Bureau of Field  
21 Enforcement was created and became operative.

22 What progress has the Bureau made in the past year in  
23 reducing violations of labor law covering working conditions as  
24 far as Field Enforcement is concerned?

25 MR. RINALDI: I believe we addressed that a few moments  
26 ago, Senator.

27

28



1           The Bureau of Field Enforcement in the Division of Labor  
2 Standards Enforcement went into effect, I believe, in January of  
3 '84. There's always some problems in putting together a new  
4 organization like that. We now have approximately 100 people.

5           We have issued more citations in 1984 than we did in  
6 1983 in the areas that they have jurisdiction over, and we're  
7 confident that we will increase that productivity this coming  
8 year.

9           CHAIRMAN ROBERTI: The 1983 budget vetoes, I think that  
10 the work force was cut by almost 40 percent; am I correct?

11          MR. RINALDI: I don't believe --

12          CHAIRMAN ROBERTI: As far as the legal regarding court  
13 claims.

14          MR. RINALDI: In terms of attorneys in the Division of  
15 Labor Standards and Enforcement, I believe you're correct. I  
16 believe it went from ten to six. In this year's budget there was  
17 an augmentation of three attorneys.

18          CHAIRMAN ROBERTI: Went from six to nine now?

19          MR. RINALDI: That's correct.

20          We're not seeing any problems in handling the workload  
21 in terms of those attorneys representing employees in order to  
22 secure back payment of benefits.

23          CHAIRMAN ROBERTI: At this point you don't sense a delay  
24 as far as processing their claims?

25          MR. RINALDI: None that I'm aware of, Senator.

26          CHAIRMAN ROBERTI: What would you consider a delay?  
27  
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1 MR. RINALDI: Well, at this point I'm not even aware of  
2 a backlog of any kind.

3 CHAIRMAN ROBERTI: We touched on this a little bit  
4 earlier in my earlier questions, but in a number of industries  
5 there is, I guess, an underground economy: in the construction  
6 industry, in the textiles, and things of this nature.

7 I would take it some of these violations that occur with  
8 these kinds of industries that are not complying with current  
9 labor standards are hard to enforce.

10 Do you have any experience where some of these kinds of  
11 violations are hard to detect or hard to enforce, and how would  
12 you recommend speeding up the process?

13 MR. RINALDI: I believe you're talking primarily about  
14 what's referred to as the cash pay underground economy, which  
15 results in all kinds of difficulties in terms of people assuming  
16 their responsibilities of paying their fair share of taxes and so  
17 forth.

18 It's a very difficult situation, Senator. The Labor  
19 Commissioner tells me that normally the only time we find those  
20 kinds of situations is where an employee comes in and complains  
21 that he didn't get what he was paid. When we ask them for the  
22 payroll check -- payroll stub, he tells us: I never got a  
23 payroll stub; he was paid in cash.

24 As I recollect, we find maybe 250 or 300 of those  
25 instances in a year. They're very difficult to find. There's no  
26 audit trails that we're aware of that you can really do that  
27 issue. Consequently, I've made a proposal to the Governor some  
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1 months ago that we appoint a task force to study it in the  
2 context of the very state agencies who may have data available,  
3 such as Franchise Tax Board.

4 The Governor, in listening to my proposal, instead  
5 directed me to make such a request to the Little Hoover  
6 Commission. That request is pending with the Little Hoover  
7 Commission. They intend to look into this area, and in fact I'm  
8 scheduled to testify before them next month, I believe, or in  
9 March. They have agreed to take on this project as one that  
10 would fit within their area.

11 CHAIRMAN ROBERTI: Do you intend to make a series of  
12 recommendations?

13 MR. RINALDI: I would hope that they would make a series  
14 of recommendations. We've met with them frequently on that  
15 particular issue.

16 CHAIRMAN ROBERTI: Mr. Simpson, the Labor Commissioner,  
17 evidently indicated to the I.W.C. that there was a backlog of  
18 cases in this area; am I correct?

19 MR. RINALDI: In that particular area?

20 CHAIRMAN ROBERTI: In complaint investigations regarding  
21 cash pay, failure to carry workers' compensation, and licensing  
22 contracts, and violations.

23 MR. RINALDI: I'm not aware that there's a backlog in  
24 those areas. When we know about -- again, having a policy, a  
25 workers' comp. policy is difficult to find sometimes.

26 There was new legislation last year. We can now tap  
27 into the computer records of the California Inspection Rating  
28



1 Bureau by a terminal in our office. We can just tap in to find  
2 out if an employer does in fact have workers' compensation.

3 I'm not aware that there are backlogs of known instances  
4 where any of these transgressions are occurring.

5 CHAIRMAN ROBERTI: Have been addressed.

6 MR. RINALDI: It's more difficult to find them.

7 CHAIRMAN ROBERTI: Another issue of concern to the  
8 Legislature both as far as labor law enforcement and also just  
9 the cost of government is the existence of cheating by public  
10 works contractors, failure to pay prevailing wages, kickback  
11 schemes, payroll tax fraud, things of this nature. We've had a  
12 number of committees that have documented this. It also skews  
13 the bidding process, because noncomplying payments are taken into  
14 consideration when the initial bid is entered.

15 Do you have any ideas what we can do on public works  
16 contracts? Make demands of those who contract with the state as  
17 to the type of information they're going to furnish us?

18 MR. RINALDI: I don't know that I have any specifics  
19 that I could offer you today. It is an issue that I've discussed  
20 with the Labor Commissioner on several instances. It's also an  
21 issue that many of the people in organized labor have talked to  
22 me about over the last several weeks. Undoubtedly there's a  
23 problem there.

24 I'm not aware of the magnitude of the problem. It's  
25 probably the same kind of problem we have with the person who  
26 pays in cash, very difficult to detect. No one is going to break  
27 all those laws unless they go through extraordinary lengths to  
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1 make sure it's not going to be easily detected. It's the same  
2 kind of a problem.

3 CHAIRMAN ROBERTI: If somebody doesn't pay prevailing  
4 wage, though, on a public works contract, wouldn't that be  
5 relatively easier to get that kind of information from them  
6 somewhere during the bidding process, or whatever?

7 MR. RINALDI: Normally we can demand and get the payroll  
8 records, which we do frequently. If we find that they have not  
9 paid the prevailing wages established by the my office, they are  
10 cited and penalized according to law.

11 That doesn't mean that sometimes they don't have  
12 duplicate books or other such things.

13 CHAIRMAN ROBERTI: If a former employee, for example,  
14 complained to you about the existence of duplicate books, or  
15 failure to maintain prevailing wages, would you, on the basis of  
16 that complaint, ask for an inspection of the books?

17 MR. RINALDI: Absolutely. The Labor Commissioner has  
18 the authority to have access to the records and books of the  
19 contractor.

20 CHAIRMAN ROBERTI: Are there any changes in the current  
21 law that you would recommend for increasing our ability to  
22 tighten up enforcement in this area?

23 MR. RINALDI: Off the top of my head, no, I do not have  
24 any specific recommendations, Senator.

25 I don't know what could be done to detect that that  
26 we're not already doing or attempting to do. It's the same  
27 problem; finding the cheater, the person who really is cheating  
28 the system is very difficult to deal with.





1 CHAIRMAN ROBERTI: If a contractor at time time was  
2 cited for not paying prevailing wage, or not complying with some  
3 other aspects of labor law, and a year later he bids for another  
4 contract. He comes up with the lowest bid and apparently the  
5 most advantageous contractor around.

6 What would be the policy in dealing with him at that  
7 point?

8 MR. RINALDI: I believe there's an agreement called the  
9 ICE Agreement between us and the State Contractor's License Board  
10 in which we advise them of contractors who have broken state law.

11 We do not have the ability at the present, I don't  
12 believe, to prohibit them from bidding on the next project unless  
13 they have failed to pay into the Health and Welfare Fund under  
14 the Apprenticeship Act.

15 I don't know if that kind of a bill or piece of  
16 legislation would be a sufficient detriment or not. I suspect it  
17 would if, in fact, legislation were passed that would prohibit a  
18 contractor from bidding on a second job if he in fact had  
19 willingly broken the law previously. It's certainly something  
20 I'm willing to look at.

21 CHAIRMAN ROBERTI: Thank you.

22 Do you think the current penalties are sufficient?

23 MR. RINALDI: I guess that really depends on the  
24 economic situation of the employer involved. That's pretty hard  
25 to answer, Senator. I really don't know the answer to that  
26 question.

27

28



1 I've been told by some employers that they're too  
2 severe, those whom we're cited and penalized, and in other cases  
3 I've been told that they're not severe enough.

4 CHAIRMAN ROBERTI: Prevailing wages, as you know better  
5 than I, are very controversial. Some employers would like to  
6 abolish prevailing wage as to one way or another from an outright  
7 abolition, others wanting to make a change in the system of  
8 current prevailing wage.

9 Do you support or would you make any recommendation to  
10 the Legislation of a change in the current method of computing  
11 prevailing wage, or in whole concept of prevailing wage?

12 MR. RINALDI: They're two separate and distinct --

13 CHAIRMAN ROBERTI: Separate questions, yes.

14 MR. RINALDI: Senator, in terms of the present method of  
15 computing the prevailing wage, I reviewed yesterday and the day  
16 before a bill that you're one of the authors on in which it would  
17 require us to use the modal rate.

18 That is the system we've been using since I've been  
19 there, and I believe it was the system used prior in the past  
20 administration. I certainly have no problem with that. I think  
21 it's the most equitable way of doing it at the present time.

22 I have no intention of moving away from that particular  
23 methodology that we're using now.

24 In terms of your other question regarding  
25 Little-Davis-Bacon and the whole Public Works Act, at the present  
26 time it is the law of the land; it's state law. I'm comfortable  
27 in enforcing that law, and I have no intentions of making any  
28 kind of move to eliminate it or in some way change it.



1           You're right, however, there are a number of people who  
2 disagree with that, including awarding bodies and other people  
3 who feel it's no longer a viable program.

4           CHAIRMAN ROBERTI: Thank you, Mr. Rinaldi.

5           I think Senator Mello has some questions.

6           SENATOR MELLO: Mr. Rinaldi, I see by your resume you've  
7 been with the Department since, what, 1967, and then Director for  
8 about a year now, eleven months?

9           MR. RINALDI: That's correct, Senator.

10          SENATOR MELLO: You also got an award, a Certificate of  
11 Commendation from the California Manufacturers' Association.

12          Did you ever get an award from any employee groups?

13          MR. RINALDI: No, I haven't, Senator. John Henning  
14 presenting me with a medal a few weeks ago when I appeared at the  
15 AFL/CIO convention in Oakland.

16          SENATOR MELLO: Being with the Department that long,  
17 then, how do you view the overall operation of the Department?  
18 Do you think it's fulfilling its goals in excellent shape, or do  
19 you think there's a lot or some problems that have to be dealt  
20 with?

21          MR. RINALDI: I believe that we are fulfilling our  
22 statutory mandates in a relatively good and efficient manner,  
23 Senator. I believe there are some problems.

24          I think we have embarked on a program to bring the  
25 Department into the 20th Century, at least in terms of automation  
26 and that kind of thing that have been sorely ignored over the  
27 past years. We found a situation in which we were doing  
28





1 calendaring and maintaining records all by hand, and huge volumes  
2 that were very difficult to deal with. We have several proposals  
3 in the 85-86 budget dealing with automation.

4 We have embarked on expanding our training efforts. I  
5 believe it's important that our people be well trained if we  
6 expect them to carry out their jobs efficiently and productively.

7 SENATOR MELLO: In the area of staffing, when Mr. Veysey  
8 came in, as I understand, he made some cutbacks in staffing.  
9 Senator Roberti mentioned some, and there were other areas.

10 Have you added back some of those staffs that were cut  
11 back at that point? What level are you operating now compared to  
12 what was there at, say, two years ago?

13 MR. RINALDI: I believe the budget you're referring to  
14 would have been the 83-84 budget, which was a transition budget.  
15 There were a total of, Department-wide, I believe, something like  
16 187 cuts throughout the total Department. About 60 or 70 of  
17 those have been replaced since that time.

18 We are functioning now at, I believe, with increased  
19 productivity at a level of about 100 less than the '82 budget,  
20 which was the last budget of the prior administration.

21 SENATOR MELLO: What about the workload? Has it  
22 increased since that period of time?

23 MR. RINALDI: In some areas it's increased. Workers'  
24 Compensation is an area that the workload seems to be increasing  
25 every year and has increased every year since 1913.

26 As you know, the ACR 49 Joint Legislative Committee  
27 conducted hearings all last year. I anticipate their report will  
28 be issued sometime in March.



1 I believe there are a lot of problems in that program,  
2 inherent problems, that need to be addressed. For example, it's  
3 a program that costs in excess of \$5 billion, yet something less  
4 than -- somewhere between 2½ billion and 3 billion go to the  
5 injured employee. I believe the employee benefits ought to be  
6 higher, and I believe there ought to be less litigation.

7 It was intended and designed as a no fault exclusive  
8 remedy situation, unencumbered by litigation, when in fact it's  
9 highly litigated. I believe there are a lot of things we can do  
10 to eliminate a lot of that litigation and make that process much  
11 more efficient.

12 SENATOR MELLO: How do you bring about less litigation?

13 MR. RINALDI: Well, I guess there are a lot of views in  
14 it. As you know, there are a number of people looking at what  
15 they refer to as substantial reform, or reform going to wage loss  
16 kind of a concept, and there's other mechanisms.

17 I believe we have mechanisms in place now, such as  
18 Advisory Permanent Disability Ratings, that if both sides would  
19 accept, we could eliminate litigation, but that doesn't normally  
20 happen. There's a refusal on both sides to do that. And I  
21 believe that's a responsibility we have, is to start trying to  
22 get the sides to come together outside of the court room and  
23 resolve our differences.

24 SENATOR MELLO: I don't have the figures, but I  
25 understand the workload has increased dramatically, whereby the  
26 number of judges that are hearing these cases have decreased in  
27 the last two years; therefore, the case load per person has gone  
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1 up dramatically, and there is this backlog in my area, and I'm  
2 sure you're familiar with the problems we're having in the  
3 Salinas- Monterey County area. This is one of the great  
4 complaints I get, is the backlog and the inability of Workers'  
5 Comp. to really respond to injured workers in an expeditious  
6 manner.

7 MR. RINALDI: I think generally the system itself  
8 responds to injured workers fairly well. There's parts of it  
9 that work very well in terms of the initial payment of benefits  
10 and temporary disability benefits.

11 The bulk of the litigation in Workers' Compensation,  
12 probably 70 percent of the litigation, revolves around the issue  
13 of permanent partial disability, and that's an issue in which the  
14 employer's doctor says: You have a 10 percent disability; and  
15 the employee's doctor says: You have a 20 percent disability.  
16 And they litigate that issue extensively. Probably 70 percent of  
17 all the litigation evolves around that one issue. And this is  
18 often after the employee's returned to work. They are still  
19 litigating what amount of permanent disability he may or may not  
20 have.

21 SENATOR MELLO: You said you'd like to cut back on the  
22 litigation. How would you do that specifically? Would you go to  
23 the attorneys and tell them not to file these actions as the way  
24 of cutting back?

25 MR. RINALDI: I wouldn't want to interfere in due  
26 process, Senator. I believe there are times when litigation is  
27 in fact unnecessary. For example, we have a Permanent Disability  
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1 Rating Bureau that issues advisory permanent disability ratings  
2 now. If both sides would accept that as a reasonable answer to  
3 the question of disability and just file stipulations, you could  
4 avoid a lot of litigation.

5 The Applicants' Bar suggested to me the other day that  
6 maybe we ought to look at arbitration, which is something I'm  
7 interested in. That may be a viable alternative.

8 We've taken other steps in part because of the report of  
9 the Auditor General in which we're now requiring every referee to  
10 be on calendar 24 hours a week. We believe that will help close  
11 the gap.

12 And there are other problems in the system, Senator. We  
13 lose probably 20 percent of the calendar time because people fail  
14 to show, either the applicant or the defendant or both.  
15 Consequently, you don't have enough time to recalendar that, and  
16 that's another area we need to look at to make sure we at least  
17 cut down those kinds of incidents.

18 I'm hopeful that the ACR 49 Committee will also be  
19 addressing several recommendations that may help relieve the  
20 extent of litigation going on now.

21 SENATOR MELLO: What is the backlog now? What does the  
22 average case take to be adjudicated?

23 MR. RINALDI: I think it varies substantially between  
24 offices. In some offices -- and there's different kinds of  
25 litigation, let me perhaps preface that. Where ever there's a  
26 hardship situation, we give that case first priority and it is  
27 scheduled. In the more routine cases, the kind I just described  
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1 of the permanent partial disability kinds of cases, the time, the  
2 average time is probably 60-90 days, sometimes running as long as  
3 200 days, 8 months.

4 That is not always the problem with the administration  
5 of the system, though. Sometimes the parties will request a  
6 continuance, or for some other reason they're not ready to go to  
7 trial, or there's a conflict with another court. Those are all  
8 processes that need to be carefully looked at, and I believe  
9 we're looking at them.

10 SENATOR MELLO: The complaints I get are primarily the  
11 fact that you do not have enough judges hearing these cases, so  
12 therefore it just takes longer and longer in order to get the  
13 case resolved. In Salinas, for example, the most recent  
14 appointment of a judge there has been temporary for 90 days, I  
15 understand, so he probably will will -- I don't know what's going  
16 to happen to him, but we're going to go right back to the  
17 situation that we had before that was aggravated.

18 MR. RINALDI: I think I've assured you before, Senator,  
19 that we will move a judge permanently to that office. The judge  
20 there who was there for 90 days is a retired employee. He can be  
21 hired on a 90-day basis each calendar year. He has been, again,  
22 rehired this year for 90 days.

23 Our basic problem is, there's a SRO list, which means  
24 that another agency, there was a layoff, there's a number of  
25 attorneys on that list, and we cannot fill any positions unless  
26 we hire from that list. We have hired a number of employees off  
27 that list; however, our people who have done the interviews are  
28



1 not comfortable with the balance of those people and would prefer  
2 not to hire them. So, we will be seeking an exemption from the  
3 State Personnel Board for authority to go out and hire off the  
4 normal civil service hiring list. If that fails, then we'll be  
5 forced to hire those employees, offer them a job, and have them  
6 turn it down.

7 SENATOR MELLO: What are your long-term goals for trying  
8 to really improve the Workers' Compensation system, make it more  
9 responsive to both the employer and the employee?

10 MR. RINALDI: I believe, Senator, that the time has come  
11 to take a close look at the Workers' Compensation system. I  
12 believe that there are sufficient problems in it; I think those  
13 were brought out at the ACR 49 hearings.

14 I'm confident that the parties will be able to get  
15 together and find ways to make that a more efficient system.  
16 When that occurs, which I would hope would occur this year in the  
17 Legislature, I'm more than willing to take a look at it at that  
18 time to determine whether or not we would need additional  
19 resources. If so, I'm prepared to make those kind of  
20 recommendations to the Governor.

21 SENATOR MELLO: The Workers' Compensation Insurance  
22 Rating, is that under your jurisdiction?

23 MR. RINALDI: No, it's not, Senator. The California  
24 Inspection Rating Bureau is kind of a semiprivate organization  
25 attached to the Insurance Commissioner's Office that's funded by  
26 the insurance industry. They do the rate making process. They  
27 make recommendations to the Insurance Commissioner, but not in my  
28 Department.





1           SENATOR MELLO: They just re-rated some businesses in my  
2 area by about 50 percent increase in their workers' comp. rate,  
3 and I was just wondering whether or not that came under your --

4           MR. RINALDI: No, it doesn't, but I believe there is an  
5 appeal process for the employer who is re-rated. I believe there  
6 is a process in which he can appeal that re-rating to the  
7 Inspection Rating Bureau.

8           SENATOR MELLO: To further expand on what Senator  
9 Roberti asked about the underground economy, I think it's more  
10 than just having someone come in with a single individual worker.  
11 My understanding is there's billions of dollars being lost to the  
12 State of California and federal government because of this cash  
13 pay underground economy.

14           We organized a sweep in Monterey and Santa Cruz Counties  
15 about five years ago. I think you were in the Department at that  
16 time. We worked with the IRS, Franchise Tax Board, Division of  
17 Industrial Relations, and the Contractors Licensing Board and  
18 others, and in just a two-day sweep, they cited 285 unlawful  
19 incidences taking place there.

20           My question to you, these are all documentation in the  
21 file. I really think that it would be in the public interest,  
22 because this is a major problem around the state. I don't think  
23 it affects one or two people; it's affecting thousands of people  
24 for billions of dollars. There's faulty wiring and construction  
25 going on because of these unlicensed contractors; there's cash  
26 pay which results in loss of revenue and people dealing outside  
27 of the regular structure that we have.



1 Do you have any plans to pursue, you know, these types  
2 of sweeps in any part of the state?

3 MR. RINALDI: Certainly, Senator. We just completed a  
4 sweep. I believe the Labor Commissioner in concert with the  
5 Contractors License Board completed a sweep in the Calaveras  
6 area, because we had reason to believe there were a number of  
7 unlicensed contractors operating up there. I haven't seen the  
8 results of that, but certainly I agree that that is a good way to  
9 address problems.

10 In addition, the Labor Commissioner, along with the  
11 Division of Labor Standards and Enforcement, has held a series of  
12 seminars throughout the state in which they've invited employers,  
13 awarding bodies, and organized labor to come in, in which we by  
14 way of a seminar describe to them what their duties and  
15 responsibilities are under the law. Once that seminar is  
16 completed, we then sweep the area that our people are in anyway.  
17 We've done that three times; we have three more planned.

18 To my knowledge it's the first time in the history of  
19 the Department that anyone has put on a seminar with respect to  
20 public works. I've found since I've been there that, for  
21 example, there are 6,000 awarding bodies in this state, ranging  
22 from L.A. County, L.A. City down to a little tiny mosquito  
23 abatement district. I would guess that very few of those  
24 awarding bodies have a very good knowledge and understanding of  
25 the public works law in this state. So, we intend to hopefully  
26 address that problem by these series of seminars. They've been  
27 well attended and well received.



1           SENATOR MELLO: On the prevailing wage question, it  
2 seems to me a lot of this is repetition from Mr. Veysey's  
3 hearing, but at that point, we were given evidence that there was  
4 a situation, I believe it was either Modesto or Stockton, where a  
5 public works contract was awarded with, you know, the publication  
6 that you were going to pay the prevailing rate. Once the  
7 contractor got the bid, then he went out to the subs and beat  
8 them down to, you know, if I recall, a scraper operator was paid  
9 \$8 an hour, and he lowered their price down in order to have a  
10 more favorable bid. This was reported to your Department at that  
11 point, and I don't know what the outcome of that was.

12           MR. RINALDI: I don't recall that particular incident,  
13 Senator, but certainly if we got any report like that the Labor  
14 Commissioner would go out and cite. Every employee on a public  
15 works is required to be paid prevailing wages. We don't shirk  
16 that responsibility; we take it very seriously.

17           SENATOR MELLO: What has been the recourse? Senator  
18 Roberti was asking the same question. You stated that only if  
19 they failed to pay in to the Apprenticeship Standard could you  
20 keep them from bidding on future jobs.

21           MR. RINALDI: Under current law I believe that's  
22 correct.

23           SENATOR MELLO: It would seem to me that if a contractor  
24 fraudulently bids that they're going to comply with the  
25 prevailing wage, and they go out to undercut everybody, that  
26 would appear to be that they are breaking the law.

27  
28





1 MR. RINALDI: Certainly, and it's an area that I'm more  
2 than willing to look at, and I think we all are. It's a serious  
3 problem out there, we're told.

4 SENATOR MELLO: Well, some of the people that are  
5 sitting here in the audience who are silent here today told me  
6 about these numerous events, and I would hope that they would  
7 come forward to you and list these incidents so you can go out  
8 and crack down on them.

9 MR. RINALDI: I can assure you, Senator, that I believe  
10 that virtually everybody in this audience today I've met with on  
11 numerous occasions over this issue.

12 SENATOR MELLO: Thank you.

13 CHAIRMAN ROBERTI: Thank you, Senator Mello.

14 Any other questions?

15 On one point that was raised earlier by Ms. Johnson, I'd  
16 like to address that myself.

17 I think that the point which she raises is a very  
18 important one. However, absent any findings or evidence that Mr.  
19 Rinaldi either, A, himself was engaged in the accusation, or B,  
20 awarded the bonus with knowledge that the accusation was made,  
21 or with knowledge of the manager's comments, rather, it's very  
22 difficult to hold him directly accountable as far as the  
23 confirmation process is concerned.

24 So, it's not that we do not take very seriously the  
25 points which have been raised by the opponents. We do, but to  
26 deny confirmation I think you would need corroboration as to  
27 involvement either in the awarding of the bonus itself, which I  
28



1 think is the main point, or a point that isn't made by for future  
2 reference is that the Appointee himself was involved in the  
3 making of the comments or things of that nature.

4 Mr. Rinaldi, we appreciate your taking the time to  
5 answer all of our questions. I think you've answered them well.

6 We are concerned about the public positions that the  
7 Department will be taking as time goes on regarding prevailing  
8 wage, and then regarding the enforcement of laws, whether the  
9 Department or the administration like the law or not. So, that's  
10 why we thought it was important to ask you these questions.

11 MR. RINALDI: I understand, Senator.

12 CHAIRMAN ROBERTI: As the days pass and controversies  
13 may arise.

14 Do I hear a motion?

15 SENATOR CRAVEN: I would move recommendation to the  
16 Floor.

17 CHAIRMAN ROBERTI: Senator Craven moves recommendation  
18 to the Floor.

19 Discussion or debate? Hearing none, the Secretary will  
20 call the roll.

21 SECRETARY WEBB: Senator Doolittle.

22 SENATOR DOOLITTLE: Aye.

23 SECRETARY WEBB: Senator Mello. Senator Petris.

24 SENATOR PETRIS: Aye.

25 SECRETARY WEBB: Senator Craven.

26 SENATOR CRAVEN: Aye.

27 SECRETARY WEBB: Senator Roberti.

28



1 CHAIRMAN ROBERTI: Aye.

2 The vote is four to nothing; confirmation is recommended  
3 to the Floor.

4 Thank you.

5 MR. RINALDI: Thank you very much, Senator.

6 (Thereupon this portion of the Senate  
7 Rules Committee Hearing was terminated  
8 at approximately 3:40 P.M.)

9 --oo0oo--

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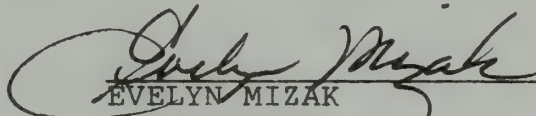
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I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 4/15 day of February, 1985.

  
EVELYN MIZAK  
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STATE OF CALIFORNIA

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APPEARANCESMEMBERS PRESENT

Senator David Roberti, Chairman

Senator William Craven, Vice-Chairman

Senator John Doolittle

Senator Henry J. Mello

MEMBERS ABSENT

Senator Nicholas Petris

STAFF PRESENT

Pat Webb, Committee Secretary

Rick Rollens, Consultant on Bill Referrals

Nancy Michel, Consultant on Appointments

ALSO PRESENT

John C. Canestro, Member  
Building Standards Commission



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Governor's Appointee:

JOHN C. CANESTRO, Member  
Building Standards Commission

1

Questions by Senator Mello  
Motion  
Committee Action

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Adjournment

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Certificate of Reporter

8





P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: Governor's Appointee appearing today, Mr. John C. Canestro, Member of the Building Standards Commission.

Mr. Canestro, please come forward. What we ask all the Governor's Appointees is: Why do you feel you're qualified to assume this position?

MR. CANESTRO: Senator Roberti and Senators, I serve currently as the Building Official for the City of Hayward, a community in the San Francisco Bay Area. Prior to that time, I served as Building Official for the City of El Cerrito. I've had 23 years of that kind of service, dealing with codes work.

I have been past President of the International Conference of Building Officials; past President of the Council of American Building Officials, in conjunction with serving as the Planning Commissioner for the City of El Cerrito and serving on the Building Security Commission for the Attorney General, Evelle Younger about eight years ago when he was Attorney General.

I have had extensive, I think, codes background dealing the various codes which the Commission has to deal with, and I think I have that kind of qualification that can add a dimension to the Commission.

CHAIRMAN ROBERTI: Very good, thank you.

Are there any questions? Senator Mello and then Senator Craven.



1           SENATOR MELLO: Mr. Canestro, I was going to ask you, it  
2 seems like Hayward is one of the few localities that does not  
3 allow a plastic pipe to be used.

4           Is that a true statement?

5           MR. CANESTRO: Yes and no, sir. The City of Hayward  
6 does not permit the use of abs, which is acrylonitrile-  
7 butadiene-styrene, and pvc, which is poly vinyl chloride for  
8 drain wastes and vents systems.

9           That was a product of my predecessor at a hearing  
10 requested of him in 1967, before I came aboard the City of  
11 Hayward. There was a public hearing, and the Board of Appeals  
12 concurred with that particular ruling of the Building Official at  
13 that time.

14           Subsequent to that, 1969, there was another appeal, and  
15 the Board of Appeals again withheld that action. That was  
16 appealed to the City Council, and the City Council passed a  
17 resolution which prohibited the use of those two materials only  
18 within the City of Hayward.

19           Two years ago, a similar appeal was held, went before  
20 the Board of Appeals for the City of Hayward, and to City  
21 Council, and the same actions again were repeated. And Council  
22 has, by resolution, prohibited the use of ABS and PBC in the City  
23 of Hayward.

24           We have extensive use of other materials, however, in  
25 chemical plants, for underground gas lines, for underground water  
26 service, things of that nature. But those are the only two that  
27 are prohibited from use.  
28



1           SENATOR MELLO: Well, now you're going to be the  
2 Director of the entire Building Trade Commission, does your  
3 experience in dealing with plastic pipe in the City of Hayward,  
4 will that be brought to Sacramento and translate into the way you  
5 might look at it from a state perspective?

6           MR. CANESTRO: No, sir. I think the actions that were  
7 taken by the City Council, of course, has a very definite impact  
8 on my judgments. I served to make judgments as to the  
9 equivalency of materials in the City, and that is an ongoing  
10 chore and charge that I have in my office.

11           When it comes before the City Council, and the City  
12 Council gives a resolution which prohibits that use, I very  
13 wisely recognize the fact that that legislative body has passed  
14 that resolution, and until that's changed, obviously, I will not  
15 permit that use of that material in our city.

16           In direct response to your question, I don't think  
17 that's going to affect my judgments on the material itself and  
18 its ability to perform in this state.

19           SENATOR MELLO: What's your general perspective of  
20 plastic material, plastic pipe?

21           MR. CANESTRO: Plastic pipe, when it's used properly,  
22 serves as an excellent material. Unfortunately, in some areas  
23 like many other materials on the marketplace, it's abused or not  
24 used correctly and then has failures.

25           Plastic pipe does have a place in the marketplace much  
26 like any other material we have, the irons and the coppers and so  
27 forth that are currently used in addition to plastic pipe  
28 material.





1           SENATOR MELLO: I don't know the history of Hayward.  
2 Was it in any way connected with any steel plants there, or pipe  
3 manufacturers that may have influenced their prohibiting plastic  
4 pipe, or was it just their experience with dealing with plastic  
5 that came up with a negative perspective?

6           MR. CANESTRO: Well, sir, there were no plants in town  
7 that would have that effect, at least that I was aware of. And  
8 my predecessor made the judgment based on four issues: one was  
9 the fact that the material was untested for its use. In each  
10 appeals, that same question's asked of the plastic pipes  
11 industry: Do you have a valid test to show that the material  
12 will last at least the duration of a mortgage? And the plastic  
13 pipes people have not produced that to the satisfaction of the  
14 Board of Appeals nor to the Council's satisfaction.

15           But there has been no industry influence that I'm aware  
16 of.

17           SENATOR MELLO: I understand there's an environmental  
18 impact report being made on plastic pipe in California.

19           Are you aware of that?

20           MR. CANESTRO: Yes, I am.

21           SENATOR MELLO: Will that have any bearing at all on  
22 your opinion of the use of plastic pipe?

23           MR. CANESTRO: I think it certainly will. Anytime any  
24 information is provided that shows an in-depth study and would  
25 provide some information which would be beneficial to allowing me  
26 or the City Council of the City of Hayward to make judgments,  
27 that is always an excellent document. We've been looking forward  
28



1 to this for over a year and a half, and it's my understanding  
2 that it should be before us in the spring of this year.

3 SENATOR MELLO: Another matter, what are your feelings  
4 towards access for the handicapped people in public buildings and  
5 in private buildings?

6 MR. CANESTRO: Well, sir, as you know, the state law, of  
7 course, is very extensive in this area. The difficulty the local  
8 building officials such as myself have had is not so much with  
9 the substantive issues in the law, but those which are for  
10 enforcement the way the law is written; that is, by the State  
11 Architect's Office. And we've had some difficulty in the  
12 enforcement aspect, not so much with the content.

13 I don't have any problems with the content.

14 SENATOR MELLO: Are there any other materials that  
15 you're aware of that you feel could be dangerous to us? I know  
16 asbestos is one that we're trying to phase out, especially in  
17 schools and other uses where the public can have access to it.

18 Do you have problems with aluminum wiring, which was  
19 used sometime back when there was a shortage of copper?

20 MR. CANESTRO: I testified this morning before the HCD  
21 hearing officer on the aluminum wiring, and I testified to the  
22 effect that I had no problem with the wire because it's a very  
23 good conductor. The problem occurs in some of the connections.  
24 It's a workmanship problem. And I solicited the Commission of  
25 the HCD to look into the aspect of some kind of assurances that  
26 would provide the workmanship to be of a better quality,  
27 realizing inspectors are supposed to do that but we don't have  
28



1 neither the time nor the tools to inspect every connection within  
2 every building that's built in this state. So as a consequence,  
3 we're asking the state for some type of direction or assistance  
4 in this area.

5 SENATOR MELLO: Thank you.

6 MR. CANESTRO: Thank you, sir.

7 CHAIRMAN ROBERTI: Any further questions? Senator  
8 Craven.

9 SENATOR CRAVEN: There being no further questions, Mr.  
10 Chairman, I would move the appointment of Mr. Canestro to the  
11 Floor.

12 CHAIRMAN ROBERTI: Senator Craven moves Mr. Canestro's  
13 appointment be recommended to the Floor for confirmation.

14 Any opposition? Seeing none, the Secretary will call  
15 the roll.

16 SECRETARY WEBB: Senator Doolittle.

17 SENATOR DOOLITTLE: Aye.

18 SECRETARY WEBB: Senator Mello.

19 SENATOR MELLO: Aye.

20 SECRETARY WEBB: Senator Petris. Senator Craven.

21 SENATOR CRAVEN: Aye.

22 SECRETARY WEBB: Senator Roberti.

23 CHAIRMAN ROBERTI: Aye.

24 The vote is four to nothing; Mr. Canestro's confirmation  
25 is recommended to the Floor.

26 Congratulations.

27 MR. CANESTRO: Thank you, sir.

28





(Thereupon this hearing before  
the Senate Rules Committee was  
adjourned at approximately 2:40 P.M.)

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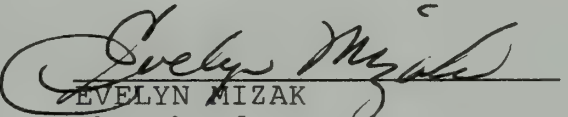
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I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

28<sup>th</sup> day of February, 1985.

  
EVELYN MIZAK  
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Senator David Roberti, Chairman  
Senator William Craven, Vice-Chairman  
Senator John Doolittle  
Senator Henry J. Mello  
Senator Nicholas Petris

STAFF PRESENT

Cliff Berg, Executive Officer  
Pat Webb, Committee Secretary  
Rick Rollens, Consultant on Bill Referrals  
Nancy Michel, Consultant on Appointments

ALSO PRESENT

Senator Robert Presley  
Edward Gene Brewer, Member,  
Youthful Offender Parole Board  
Joe Campoy, Warden  
Folsom Prison  
Don Novey, President  
California Correctional & Peace Officers Association  
John Fratis, President  
Retired Correctional Peace Officers  
Chief Harold Barker, Chief of Police  
City of Folsom  
Bobby Jackson, Lieutenant  
Correctional Officer, Folsom Prison  
Daniel J. McCarthy  
Director of Corrections  
Jake Gunn, Retired  
Former Warden, Folsom Prison  
Paul J. Morris  
Deputy Director of Institutions





1 Rachel Lopez-Ben  
Correctional Officer, Folsom Prison

2 Karen Morrison  
3 Correctional Officer, Folsom Prison

4 Karen Hallstrom, Retired  
Correctional Officer, Folsom Prison

5 Sidney M. Wolinsky, Esq.  
6 Attorney, Public Advocates

7 Anita P. Arriola, Esq.  
Attorney, Public Advocates

8 Carolyn Hicks, Prisoner's Wife  
9 Hospitality House

10 Barbara Sianez, Prisoner's Wife  
Visitors Advocacy Council, VAC/PAC

11 Paul Comiskey, Esq.  
12 Attorney, Prisoners' Union

13 Olivia G. Walker, Prisoner's Wife  
VAC/PAC

14 Chris Delany  
15 Catholic Workers House of Hospitality

16 Pat Marrone  
Friends Committee on Legislation

17 William Prah1, Esq.  
18 Deputy Attorney General

19

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P R O C E E D I N G S

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CHAIRMAN ROBERTI: The meeting will reconvene, and we are now on Governor's Appointees appearing today. The first is Mr. Edward Gene Brewer, Member of the Youthful Offender Parole Board.

Mr. Brewer, do you want to come forward. Mr. Brewer, we'll ask you what we ask all the Governor's Appointments, and that is why you feel you're qualified to assume this position.

MR. BREWER: First of all, I was an instructor in the school system for twelve years. I have a counseling degree. I was an advisor in the high school system, and I was coach in the high school system. I also was involved in law enforcement at one time in my career.

CHAIRMAN ROBERTI: Any questions of Mr. Brewer? Yes, Senator Petris.

SENATOR PETRIS: What was your law enforcement background?

MR. BREWER: I was with the San Jose City Police Department.

SENATOR PETRIS: For how many years?

MR. BREWER: Less than a year.

SENATOR PETRIS: Did you work with young people there?

MR. BREWER: I worked with young people. I was a patrolman at that time.

SENATOR PETRIS: How long have you been on the Board?

MR. BREWER: Since May of last year.

1           SENATOR PETRIS: Do you like it enough to have another  
2 go at it?

3           MR. BREWER: I think I've found my niche.

4           SENATOR PETRIS: All right, thank you.

5           MR. BREWER: You're welcome.

6           SENATOR PETRIS: I'm always interested in rehabilitation  
7 problems in our penal system. Is there anything that works on  
8 rehabilitation for the people in the age group that you're  
9 dealing with?

10          MR. BREWER: I would think in terms of education. We  
11 receive a lot of wards as uneducated, and we set treatment goals  
12 in that order. We also have psychological and psychiatric  
13 treatment in that area, too.

14          SENATOR PETRIS: What about the use of the camps? Is  
15 there any appreciable difference between those who are in camps  
16 and those who are elsewhere?

17          MR. BREWER: I'm glad you asked that question. That is  
18 one of my favorites, the camps.

19                 In some instances in a camp, they learn work skills, and  
20 they are involved in firefighting and working in the community.  
21 This is one of the things that I think is very helpful for the  
22 ward himself because it teaches him responsibility.

23          SENATOR PETRIS: Do you have any way of measuring the  
24 impact after they get out? I guess you know when they come back  
25 in, but other than that?

26          MR. BREWER: Other than that, the only way we can go by  
27 is the treatment goals that they achieve in the institution, and  
28

1 hopefully, that when they go out on parole they have changed,  
2 turned their life around.

3 SENATOR PETRIS: What's the average term?

4 MR. BREWER: That's difficult to say, because we have  
5 categories one through seven, so that's kind of difficult. All  
6 depends what crime they come in under in the institution.

7 SENATOR PETRIS: The Board has been criticized a lot for  
8 letting them out too soon. That's the common criticism of the  
9 Adult Authority, or whatever serves in that capacity now, and the  
10 Youth Board as well.

11 Do you have any impression in the short time you've been  
12 there as to whether the release time is consistently too short or  
13 too long, or is it about right?

14 MR. BREWER: We just set treatment goals. The courts  
15 set the time that the ward is in an institution. We can only go  
16 by the crime that they commit, and we set the time by the  
17 treatment. In some instances, I think they stay there for their  
18 treatment goals and they achieve those goals. And it varies from  
19 a year up until three years.

20 SENATOR PETRIS: Having had a few months to become  
21 acquainted with problems there, what is your number one goal,  
22 priority, if you were to be reappointed? What would be your  
23 first goal?

24 MR. BREWER: I think one of my primary goals would be  
25 curb the crime rate in the juvenile system. There's so many --

26 SENATOR PETRIS: Before they come in?  
27  
28



1 MR. BREWER: Yes, I would -- I would go out into  
2 communities and work with some of the people out there, and  
3 hopefully this would alleviate some of the crime out there.

4 SENATOR PETRIS: Do you have a plan?

5 MR. BREWER: We are at the present trying to get a group  
6 together. I'm not at liberty to say what is involved now.

7 SENATOR PETRIS: You won't disclose it until after  
8 you're appointed. You have a secret plan to go Vietnam; is that  
9 it?

10 (Laughter.)

11 SENATOR PETRIS: Thank you.

12 CHAIRMAN ROBERTI: Are there any circumstances under  
13 which you would support early release of youthful offenders?

14 MR. BREWER: That's a difficult question, Senator  
15 Roberti, to answer. I wouldn't, in my own opinion, I would not  
16 seek early release unless I thought that the ward was ready to go  
17 out in the community and not be a danger to the public and  
18 himself.

19 CHAIRMAN ROBERTI: Are there any other questions? Do I  
20 hear a motion?

21 SENATOR CRAVEN: Move Mr. Brewer.

22 CHAIRMAN ROBERTI: Senator Craven moves Mr. Brewer's  
23 confirmation do pass and to the Floor.

24 Is there any support or opposition in the audience?

25 Seeing none, the Secretary will call the roll.

26 SECRETARY WEBB: Senator Doolittle.

27 SENATOR DOOLITTLE: Aye.

28



1 SECRETARY WEBB: Senator Mello.

2 SENATOR MELLO: Aye.

3 SECRETARY WEBB: Senator Petris.

4 SENATOR PETRIS: Aye.

5 SECRETARY WEBB: Senator Craven.

6 SENATOR CRAVEN: Aye.

7 SECRETARY WEBB: Senator Roberti.

8 CHAIRMAN ROBERTI: Aye.

9 The vote is five to nothing, confirmation is recommended  
10 to the Floor.

11 Congratulations.

12 MR. BREWER: Thank you very much.

13 CHAIRMAN ROBERTI: The next Appointee is Joe Campoy,  
14 Warden at Folsom Prison.

15 Thank you, Mr. Campoy. We'll ask you the same question,  
16 and that is why you feel you're qualified to assume this  
17 position?

18 MR. CAMPOY: Yes, sir. I began my career at Folsom  
19 Prison in 1946, and except for a little over my first year, I  
20 have been a supervisor or manager since.

21 I set as my goal when I went to work there to someday  
22 become the Warden of the prison. With that in mind, I worked all  
23 of the assignments as a sergeant and also as a lieutenant prior  
24 to becoming captain. As a lieutenant, I accepted an appointment  
25 to the Conservation Camp as a means of becoming familiar with a  
26 more minimum-type setting. Folsom is a maximum Level IV  
27 institution; I wanted varied experience.  
28

1           Additionally, to enhance my experiences, I took an  
2 assignment as a Correctional Counselor. I held that assignment  
3 for about a year. My camp experience lasted approximately two  
4 years.

5           As an Associate Warden, I was assigned by the Department  
6 to inspect the penitentiary at New Mexico as a result of the riot  
7 that took place there in February of 1980. The reason for my  
8 being assigned this job was the Department's belief in my custody  
9 experience and expertise, as well as my fluency in the Spanish  
10 language.

11           I returned to California and advised the Headquarters  
12 staff of what I had learned in New Mexico. Following this, I was  
13 assigned to head up a three-member team that inspected each of  
14 the twelve institutions in the State of California, and I made  
15 recommendations to try to ensure that the terrible riot that took  
16 place in New Mexico did not take place in California. The riot  
17 in New Mexico resulted in numerous injuries to staff, millions of  
18 dollars in damages, and the loss of 33 lives. The Department's  
19 aim and my aim was to try to avoid repetition of this in  
20 California.

21           I believe that I was successful in this, in that after  
22 the inspection and making the recommendations, many of which were  
23 implemented, that despite the fact that we're now tremendously  
24 overpopulated with inmates, there has been no major riot or  
25 disturbance in the state since 1980.

26           All during my career I've tried to set a good example to  
27 all members of my staff, and I believe that I have been  
28

1 successful in this regard. I feel that I am respected by my  
2 subordinates, my peers, and my supervisors. This does create a  
3 burden for me and a great responsibility in that I want to  
4 maintain this respect. There is nothing that I would do  
5 deliberately to destroy this relationship.

6 Additionally, I want every new employee who comes to  
7 work in the Department, and there are numerous and there will be  
8 numerous, to feel that they too have an opportunity such as I  
9 enjoyed to get to the top if they are willing to work for it.

10 In conclusion, I would like to say that my experience in  
11 the Department, my knowledge of Folsom's physical plant, the  
12 inmate characteristics, their philosophy, make me at this time  
13 most qualified to be the Warden at the prison.

14 Thank you.

15 CHAIRMAN ROBERTI: Thank you, Mr. Campoy.

16 Are there any witnesses in support? Please come  
17 forward.

18 Please indicate your name and the organization that you  
19 represent.

20 MR. NOVEY: Senator Roberti, Members, Don Novey, State  
21 President of the California Correctional Peace Officers  
22 Association, representing 11,000 peace officers on the line, CDC,  
23 and the California Youth Authority.

24 Today you're considering a gentleman that's had 35 to 40  
25 years. I don't think we really know the exact number of years  
26 the man's been there. He's an excellent example to civil  
27 servants across the state.



1 I think Mr. Campoy's one major drawback is he's not a  
2 politician. He's a good civil servant that's done a heck of a  
3 job. He's known throughout the Department for his firm but fair  
4 policy towards probably the most dangerous felons in the entire  
5 correctional system, but he is fair, which is the most important  
6 thing in our system today.

7 This gentleman, as he pointed out earlier, was  
8 personally selected by Governor Brown's staff to review the Santa  
9 Fe crisis in 1980. He did bridge the major gap of security  
10 deficiencies that we had in the state. We are still trying to  
11 maintain that security today with an overcrowding of 150 percent.

12 This man presently, as he did not point out, is serving  
13 in the capacity of Warden at a facility, the newest maximum  
14 facility in this State, which is 105 years old, Senators, and has  
15 a population of 175 percent. This would be nigh near equal to  
16 Senator Roberti calling for a nuclear power toxic waste work  
17 furlough program in downtown Hollywood. In other words, a nigh  
18 on difficult assignment.

19 I think his career-developed expertise has prevented  
20 many instances of major proportion from happening in our  
21 institution and probably others throughout the state. You've got  
22 to remember at that one institution the gang leaders from the  
23 Aryan Brotherhood, the Black Guerrilla Family, the Mexican Mafia,  
24 the Texas Syndicate and so on, are right there at Folsom. It's a  
25 very difficult proposition representing the state in that  
26 dangerous setting. He's done an excellent job for nigh on 35  
27 years.  
28

1           There's been a concern over the visiting program. I  
2 think that in our most difficult setting at Folsom is a help to  
3 the family as well as the convicts assigned there. During our  
4 most recent major disturbances, Mr. Campoy did keep open the  
5 conjugal visiting facility, the minimum visiting facility, and  
6 the only areas he would close are the areas that would endanger  
7 the public.

8           And people, when you hear testimony later on today, have  
9 got to realize that the public is our number one concern in these  
10 correctional facilities.

11           In conclusion, CCPOA highly recommends Mr. Campoy for  
12 the position of Warden at Folsom State Prison.

13           I would like to take time to mention that Mr. Campoy has  
14 taken adverse action against myself in the past. I'm probably  
15 known as the most exuberant advocate of the Dills Act SEERA Law  
16 amongst all state employees. Sometimes my over-zealousness in  
17 this area has caused management to slap me on the wrist, but I  
18 still have the respect for the individuals in their positions.

19           Thank you.

20           CHAIRMAN ROBERTI: Thank you very much.

21           Senator Petris, I think, has a question.

22           SENATOR PETRIS: Your organization is the peace officers  
23 or is it the correctional officers; or are they the same?

24           MR. NOVEY: It's the Correctional Peace Officers  
25 Association, sir. It represents the Youth Authority and the  
26 correctional officers, correct, and the correctional counselors,  
27 the MTAs, the youth counselors, group supervisors, that's about  
28 it.

1           SENATOR PETRIS: That's everyone working in prison  
2 practically?

3           MR. NOVEY: Yes, sir.

4           SENATOR PETRIS: In a supervisory control --

5           MR. NOVEY: Yes, sir.

6           SENATOR PETRIS: -- capacity.

7           Where do you work? Do you work at Folsom?

8           MR. NOVEY: Yes, I do, sir.

9           SENATOR PETRIS: How long have you been there?

10          MR. NOVEY: Fourteen years.

11          SENATOR PETRIS: Do you know that this year, this past  
12 year, there's been the highest number of stabbings and killings,  
13 et cetera, in the entire history of the prison?

14          MR. NOVEY: Yes, sir, I was there.

15          SENATOR PETRIS: How do you account for that sudden  
16 change in just one year?

17          MR. NOVEY: Basically, Senator Petris, it's the influx  
18 of the number of inmates.

19          SENATOR PETRIS: The toughest ones?

20          MR. NOVEY: The toughest ones in the system; we brought  
21 in all the gang leaders. In addition, the overpopulation.

22          SENATOR PETRIS: Where were they before? Were they  
23 brought in there from other prisons --

24          MR. NOVEY: Yes, sir.

25          SENATOR PETRIS: -- or were these new convictions?

26          MR. NOVEY: I consider them retread convictions, sir.

27 In other words, they unfortunately have gone through the system

28



1 many, many times and they've graduated to Folsom. This is where  
2 the leadership is held, and it holds down the pressures on all  
3 the other institutions. Unfortunately, the ultimate pressure is  
4 on Folsom.

5 SENATOR PETRIS: Which has the worst facility of all  
6 physically.

7 MR. NOVEY: No, we're kind of proud of the cleanliness  
8 at Folsom as compared to maybe a couple of others. For the  
9 anachronistic setting I think it's quite well kept.

10 SENATOR PETRIS: I wasn't thinking of the day-to-day  
11 maintenance but the structure.

12 MR. NOVEY: I don't know, sir. That three foot of  
13 granite is difficult to move. It's going to be there about  
14 another thousand years.

15 The difficulty we have is, as you would say, the  
16 physical plant problems, you know, the sewage system, the  
17 toiletries (sic), the sundry items, basic humanitarian  
18 necessities of going to the bathroom or --

19 SENATOR PETRIS: I've had complaints about that.

20 MR. NOVEY: Yes, so do I.

21 SENATOR PETRIS: What is your specific capacity there?

22 MR. NOVEY: I am the Culinary Sergeant at Folsom State  
23 Prison, Senator.

24 SENATOR PETRIS: Does that mean you're the chief chef?

25 MR. NOVEY: They don't call me Boyardee, but I try to  
26 handle the situation. I've been in that capacity for nigh on six  
27 years. It's a wonderful setting; I supervise 288 inmates, many  
28

1 of which carry knives, many of them are gang leaders, but I have  
2 an ongoing rapport. And I think that's the wonderful thing about  
3 the California system, that we don't have the Atticas or Santa  
4 Fes or Lewistowns or McAllistors in Oklahoma, because we have  
5 that rapport with inmates on the line. At times it's a bit  
6 difficult, but we do keep that one-on-one contact, which is so  
7 important.

8 SENATOR PETRIS: What were your duties prior to your  
9 present culinary work?

10 MR. NOVEY: Prior to the state service I was a counter  
11 intelligence agent serving with the United States government  
12 overseas.

13 SENATOR PETRIS: Within Folsom did you have other  
14 duties?

15 MR. NOVEY: Oh, I've worked the gambit, just about every  
16 officer's position on the line.

17 SENATOR PETRIS: Will you be here for the rest of the  
18 hearing? We may want to call you back to ask you some questions.

19 MR. NOVEY: Oh, yes, no problem.

20 SENATOR PETRIS: Thank you.

21 CHAIRMAN ROBERTI: Thank you very much, Mr. Novey.

22 Next witness.

23 MR. FRATIS: Mr. Chairman, gentlemen, my name is John  
24 Fratis. I'm the State President of all the Retired California  
25 Correctional Peace Officers. In that capacity the subject of Mr.  
26 Campoy, due to recent newspaper articles, was the subject of  
27 discussion. And I can tell you that he is respected with his  
28

1 expertise as a prison administrator all over this state, well  
2 respected.

3 In my own capacity prior to my retirement, I worked for  
4 27 years with and for Mr. Campoy. I can unequivocally state that  
5 he is probably the most dependable, courageous, fair-minded  
6 prison administrator I have ever seen, and I was very proud to  
7 work with him all those years.

8 He did have empathy for the officer on the line because  
9 we worked the line. He went right on up, as he stated earlier.  
10 He's the only warden who's worked at the same institution in his  
11 whole career and never had to go to another institution. He's  
12 about as much a part of the prison as the furniture, the walls.  
13 He knows it well, and when I say courageous, I mean that man was  
14 always on top of every situation, fair-minded with everyone,  
15 everyone respected him, and I can't say enough in his behalf.

16 Except to comment further on Senator Petris' statement  
17 about the situation of the stabbings, prior to my retirement the  
18 institution had inmates of all classifications that you could  
19 utilize by cell block, minimum custody out at the Ranch. And  
20 after my retirement, they changed the system. They moved out all  
21 of the or most of the minimum custody inmates and brought in  
22 inmates from other institutions in a warehouse situation of some  
23 of the worst people in the state.

24 He has a problem with this, and I don't envy him that  
25 problem. But he is an admirable man, and I'm proud to recommend  
26 that he be made permanent.

27 CHAIRMAN ROBERTI: Thank you.  
28

1 Senator Petris.

2 SENATOR PETRIS: I didn't catch the year. When did you  
3 say you retired?

4 MR. FRATIS: I retired in December of '79.

5 SENATOR PETRIS: Were there any women guards at that  
6 time?

7 MR. FRATIS: They had just started with a few.

8 SENATOR PETRIS: You weren't there long enough to see  
9 how that worked out?

10 MR. FRATIS: Thankfully, no.

11 SENATOR PETRIS: What do you mean by that? Do you think  
12 women shouldn't be guards?

13 MR. FRATIS: My feeling is that women are entitled to  
14 work as anyone else except that inside of a prison, and I think  
15 -- and this is my own personal opinion, is that women officers  
16 are necessary for the searching of female visitors, for narcotics  
17 introduction into the institution, censoring mail, various things  
18 like that. But to supervise male inmates is a dangerous  
19 situation. That's my feeling.

20 But I think they're probably doing a very good job right  
21 now.

22 SENATOR PETRIS: Is your feeling shared by your  
23 colleagues?

24 MR. FRATIS: Some of them, yes, sir.

25 SENATOR PETRIS: What proportion?

26 MR. FRATIS: I wouldn't hazard a guess on that.

27 SENATOR PETRIS: Not even a guesstimate? Half?  
28



1 MR. FRATIS: Fifty percent, let's say. If you're going  
2 to pin me down, maybe 50 percent.

3 SENATOR PETRIS: By your colleagues, I mean those who  
4 are retired.

5 MR. FRATIS: Right.

6 SENATOR PETRIS: Are you in touch with those who are  
7 there now?

8 MR. FRATIS: Some of them, yes, sir.

9 SENATOR PETRIS: What is their attitude toward the  
10 notion of having women in those particular kinds of assignments?

11 MR. FRATIS: I don't believe it's as high as it is with  
12 retirees. I think because they're working with them and having  
13 to take care of each other on the job --

14 SENATOR PETRIS: You think they're becoming accustomed  
15 to it?

16 MR. FRATIS: That's what I think.

17 SENATOR PETRIS: Thank you.

18 CHAIRMAN ROBERTI: Thank you very much.

19 Next witness, please.

20 CHIEF BARKER: Harold Barker, Police Chief, Folsom,  
21 representing the Folsom City Government.

22 Last January the City Council of the City of Folsom sent  
23 a resolution to the Governor recommending Warden Campoy. Last  
24 night at a Council meeting, they reaffirmed that resolution and  
25 they have sent a letter to you, Senator Roberti, indicating that.  
26 I'm not sure whether that's been passed out to everybody or not.

27

28

1 But the City Council in Folsom, where the institution is  
2 located, do 100 percent support Warden Campoy for confirmation.

3 Personally, I also support the Warden. There's a couple  
4 of reasons for that. First of all, I believe that I live in a  
5 very safe prison town. I'm not sure that's the case every place.  
6 And I guess if anybody should know that, maybe it should be me.

7 Our town is comfortable. We sell houses in the \$200,000  
8 classification across the street from the institution, Folsom  
9 Prison. I don't know any other place that that takes place. And  
10 people buy those houses without any thought.

11 The institution and the local police have a good,  
12 positive relationship, and I'm not sure that that is in existence  
13 every place where you have an institution.

14 The institution is a definite asset to the City of  
15 Folsom. I could go on and on, but I think that Joe Campoy is one  
16 of the major reasons that those things exist.

17 I would like to urge his confirmation for the City of  
18 Folsom and for myself.

19 CHAIRMAN ROBERTI: Thank you, Chief Barker.

20 Senator Craven.

21 SENATOR CRAVEN: Chief, what influence may be exerted by  
22 the Warden, whose activity is by its very nature confined to the  
23 institution, toward the City of Folsom? In other words, how can  
24 his operation either profit or go in the other direction as it  
25 relates to the City?

26 CHIEF BARKER: Senator, I can tell you a story of a true  
27 incident that happened just several weeks ago, and the incident  
28



1 turned out to be an embarrassment for me, but as it started I  
2 thought I had a murder victim in the city, very close to the  
3 institution. The Coroner's Office agreed with me that it  
4 appeared that at least I had part of a murder victim there.

5 It was getting dark; it was cold, rainy, and I needed to  
6 make a crime scene search in a hurry. And we made that crime  
7 scene search with the assistance of a number of officers from the  
8 institution. And I don't see any other way that I could have  
9 done that very quickly, and Warden Campoy saw to it that that  
10 happened, and he was of that assistance to me.

11 SENATOR CRAVEN: And he has at other times made  
12 available certain of his officers to assist you in matters of  
13 police business?

14 CHIEF BARKER: Yes, sir.

15 SENATOR CRAVEN: I see. You said that the Council had  
16 reaffirmed their position of support on Mr. Campoy.

17 Has there ever been a time in the past where the Council  
18 would not have been supportive of the Warden of Folsom Prison?

19 CHIEF BARKER: I don't know the answer to that question,  
20 sir. I doubt it, but I don't know.

21 SENATOR CRAVEN: Thank you very much.

22 CHAIRMAN ROBERTI: Senator Petris.

23 I forgot to mention that we've been joined by Senator  
24 Robert Presley, who also has questions.

25 Senator Petris.

26 SENATOR PETRIS: How long have you been the Chief up  
27 there?

28

1 CHIEF BARKER: Nine months, sir.

2 SENATOR PETRIS: Nine months?

3 CHIEF BARKER: Yes, sir.

4 SENATOR PETRIS: How long have you been on the force, in  
5 the department?

6 CHIEF BARKER: Nine months.

7 SENATOR PETRIS: You came in from --

8 CHIEF BARKER: Yes, sir, I was the Undersheriff of San  
9 Mateo County.

10 SENATOR PETRIS: Good county.

11 CHIEF BARKER: Thank you, sir.

12 SENATOR PETRIS: Your training has been in law  
13 enforcement and respect for law and order, I'm sure.

14 CHIEF BARKER: Of course.

15 SENATOR PETRIS: When you say you agree and you support,  
16 you're speaking for the City Council and yourself personally,  
17 that you support the nomination, and you feel the Warden's done  
18 an outstanding job.

19 Do you agree with him in all his decisions?

20 CHIEF BARKER: Well, sir, I don't know about all his  
21 decisions. The ones I do know about I agree with, yes, sir.

22 SENATOR PETRIS: Do you know that a federal district  
23 court has held him in contempt for refusing or failing to carry  
24 out an order of the court relating to administration of the  
25 prison?

26 CHIEF BARKER: Well, I know something of that, sir, but  
27 I've also run over periods of time major jail institutions, and  
28

1 it's almost impossible in today's world to run an institution and  
2 not have those things happen to you. I've been in the same --

3 SENATOR PETRIS: You've been held in contempt?

4 CHIEF BARKER: No, but I'm sure it's come close. We  
5 managed a jail that was designed for 250 people and had 600-700  
6 in it. When you have that problem, what're you going to do?  
7 Can't turn them away.

8 SENATOR PETRIS: To your knowledge is the City Council  
9 aware of the provisions of the court order holding him in  
10 contempt?

11 CHIEF BARKER: I can't speak for them and say that they  
12 are. I don't know. I'm sure they are.

13 SENATOR PETRIS: Would say that that wouldn't change  
14 their opinion at all?

15 CHIEF BARKER: Again, I can't speak for them on that  
16 issue, but I would --

17 SENATOR PETRIS: I thought you're here to speak for the  
18 Council.

19 CHIEF BARKER: I'm here to speak for the Council's  
20 endorsement of Mr. Campoy. As far as the specifics, I don't know  
21 every specific thing that every Councilman knows.

22 SENATOR PETRIS: Are there any members of the Council in  
23 here?

24 CHIEF BARKER: No, sir.

25 SENATOR PETRIS: So we don't know. We're not sure  
26 whether they know the details; and secondly, we're not sure  
27 whether that would cause them to rethink that, or change their  
28 mind, or modify their opinion. Are we?

1 CHIEF BARKER: I can't say unequivocally no. I would  
2 definitely think that they would not change their opinion.

3 SENATOR PETRIS: Thank you.

4 CHAIRMAN ROBERTI: Any other questions?

5 Thank you very much.

6 Next witness.

7 MR. JACKSON: Senator Roberti, Members of the panel, my  
8 name is Bobby Jackson. I'm presently working at Folsom Prison in  
9 the capacity of Correctional Lieutenant; however, here today I am  
10 here to represent myself.

11 I have approximately nine years in the Department of  
12 Corrections. And I worked at four different institutions, and  
13 I've worked at Folsom twice.

14 During this time period, I've worked for numerous  
15 wardens and superintendents. However, the one who stands out in  
16 my mind and the one that has been my role model is Joe Campoy.

17 He can best be described as an even-tempered individual  
18 who commands the respect of both staff and inmates through his  
19 fairness. He's the type of individual who makes you feel secure  
20 and does not leave to anyone's imagination, as you can probably  
21 tell by his demeanor, as to who is in charge.

22 As previously mentioned, he's the only man in the  
23 Department of Corrections to promote through the ranks from  
24 Correctional Officer to Warden without leaving the institution  
25 where he started.

26 His leadership abilities are unquestionable. In June of  
27 1977, a Walther P .38 nine millimeter pistol was smuggled into  
28



1 Folsom Prison by members of the Aryan Brotherhood and some  
2 members of the Symbionese Liberation Army. At that time I was a  
3 Correctional Officer. When we reported to work that night, they  
4 informed us of what was discovered. It was another individual  
5 that was in for four homicides of Highway Patrolmen down in  
6 Southern California that turned the weapon in to a staff member  
7 because the staff member respected him, and he didn't want to see  
8 him die.

9 I can't describe the feeling when we saw the pistol and  
10 the ammunition and the state plot was revealed. I can't describe  
11 to you the impact that it had on a young Correctional Officer to  
12 walk down into the cell block and to see the Warden removing  
13 inmates from the cell with the assistance of the captain, a  
14 lieutenant, and a shotgun. This impact, or this situation, will  
15 always be in my mind. And when he personally took charge of this  
16 situation, the efficiency and poise displayed by him during the  
17 course of this incident still stands out in my mind, primarily  
18 because of his presence and direct participation in moving the  
19 perpetrators from the housing unit, and diffusing an extremely  
20 volatile and potentially life-threatening situation.

21 Needless to say, he has my personal endorsement as  
22 Warden. I've worked at San Quentin State Prison as a  
23 Correctional Counselor. I've worked at Folsom State Prison both  
24 as a Correctional Counselor and a Correctional Lieutenant. At  
25 both institutions I was involved in a federal law suit. At San  
26 Quentin it was called Wright versus Enomoto before it was  
27 overturned by federal appeal; at Folsom it came under the guise  
28 of Toussaint versus Department of Corrections.

1           And I was responsible for supervising and managing in  
2 the Security Housing Unit, which the preliminary injunction for  
3 injunctive relief was sought. During that two-year time period,  
4 I assessed approximately \$15,000 through the disciplinary process  
5 for the destruction of state property: sheets, towels, linen,  
6 and various clothing items.

7           During this time period, the inmates would submit  
8 appeals alleging that we were submitting them to or subjecting  
9 them to cruel and unusual punishment by denying them of these  
10 different items.

11           As a supervisor, it was extremely hard for me to push  
12 the staff members to see to it that the inmates got three showers  
13 a week. During the summer time, the inmates would break the  
14 windows out; during the winter time they would file appeals and  
15 allege that: Okay, staff is subjecting us to cruel and unusual  
16 punishment because it's just as cold outside as it is inside.

17           What people fail to realize is that the inmates were the  
18 perpetrators of this problem, that the inmates were the ones that  
19 were creating the cruel and unusual punishment. But the  
20 beautiful thing about Joe Campoy is that, as a supervisor, I had  
21 the flexibility to hold them accountable. And that's the unique  
22 thing about working for an individual like that. Because when  
23 you have that flexibility, you can delegate responsibility and  
24 authority to your staff members and allow them to enforce the  
25 rules and regulations and make the inmates directly accountable  
26 to them.

27           That's about all I have to say. I'm a little nervous.  
28



1 But the plumbing supplies, the plumbing problems? It's  
2 nothing for inmates to cut knives out of toilets, out of sinks.  
3 I've personally supervised the removal of prison-made weapons  
4 from toilets, and that causes to have to take the toilet off of  
5 the wall. And when I was at San Quentin, I went to work one  
6 morning, and an entire building was flooded with debris, human  
7 feces, urine and everything. We had to call in an expert to fix  
8 the plumbing. And what they found was a prison-made weapon and a  
9 sheet had clogged up the draining system which caused the toilets  
10 to overflow. Well needless to say, we had the prison law office  
11 inside the prison, and they were on our case and they were  
12 alleging or accusing us of creating these inhumane living  
13 conditions for the inmates.

14 So with that, I'll close. I don't want to get to a  
15 rambling, but all I can say is, I would like to see Mr. Campoy  
16 endorsed as the Warden at Folsom Prison as the most qualified  
17 individual that I have worked for.

18 CHAIRMAN ROBERTI: Thank you, Mr. Jackson.

19 Any questions? No questions, thank you.

20 MR. MCCARTHY: Good afternoon. Daniel J. McCarthy,  
21 Director of the Department of Corrections.

22 I am the person who recommended to the Governor that Mr.  
23 Campoy be made the Warden of Folsom State Prison.

24 I don't want to repeat his experience and background,  
25 which has already been gone into. All I have to say concerning  
26 that is that right now, we have over 42,000 inmates and 13,000  
27 staff. But of the 13,000 staff, there's no question in my mind  
28

1 that the most qualified man for the Warden of Folsom is Joe  
2 Campoy.

3 Right now the Department is probably going through the  
4 most troublesome time that it's ever experienced in the many  
5 years, and I've almost been with the Department as long as Mr.  
6 Campoy. I've only got 36 years in, but this is the worst I've  
7 ever seen it as far as I'm personally concerned, mainly due to  
8 the overcrowded situation.

9 You know, right now we are working under some trying  
10 times. There are things that we have to do; there's decisions  
11 that we have to make. They're not always popular. We  
12 unfortunately can't run for popularity contests; we have a job to  
13 do. We have the safety of the public at mind. We have to  
14 protect our staff, and we have to protect the inmates.

15 Consequently, we have to do things when our facilities  
16 are overcrowded that right now, as everyone is aware, we're under  
17 a building program. It's going to be a couple of years before  
18 that gets in line, but between now and then, you know, I  
19 anticipate such things as the court order, the contempt  
20 proceedings. These things happen. It's the unfortunate part of  
21 trying to run a business when you're so severely overcrowded,  
22 when there hasn't been an awful lot done about the problem in the  
23 last 20-some odd years since the last time we built a facility in  
24 this state. So consequently, we are finally facing up to the  
25 reality of what the overcrowded situation is doing to us.

26 As far as the physical plant of Folsom, as Senator  
27 Petris brought out, you know, I'm as concerned as he is about the  
28

1 physical plant. Last year, I was able to go to the Governor and  
2 the Legislature and get \$23 million appropriated to upgrade the  
3 physical plant of San Quentin. Right now, we're undertaking a  
4 \$100,000 study to identify the very same thing for Folsom, and if  
5 it costs 10, 15, or 20 million dollars to upgrade Folsom so it  
6 meets all health standards, that's exactly what I'll be back  
7 asking for at a later date.

8 Another thing that was brought out earlier was the  
9 concern about women staff. In this present current year, we're  
10 in the process of hiring 3500 correctional officers, and I would  
11 like to go on record right now that we encourage women to apply,  
12 and they're more than welcome at all of our 12 facilities, not  
13 only at Folsom.

14 I'll be here during the whole hearing today. If there's  
15 any further questions that any Members of the Committee want to  
16 ask me, or if they have any questions they would like to bring up  
17 at this time, I'd be delighted to answer them for them.

18 But I do want to impress on you that I feel --  
19 personally I'm held responsible for running the Department of  
20 Corrections. I need the administrators that I have faith in, and  
21 Mr. Campoy is one of these administrators, and I recommend him  
22 highly for the position of Warden of Folsom.

23 CHAIRMAN ROBERTI: Thank you very much, Mr. McCarthy.

24 Senator Petris.

25 SENATOR PETRIS: Mr. McCarthy, we've met before at a  
26 prior hearing.

27 MR. MCCARTHY: Yes, we have.  
28



1           SENATOR PETRIS: Doesn't this contempt thing hanging  
2 over the head of your nominee and others bother you at all?

3           MR. McCARTHY: Well, the contempt, you know, was handed  
4 down because it was one of those cases, you know, where we are  
5 kind of damned if we are and damned if we don't.

6           We attempted to meet the requirements of that court  
7 order. Unfortunately, there was some stabbing affairs that took  
8 place at that time, and we didn't meet them. It took us six or  
9 seven months after the court order came down.

10           We are in compliance now. There is no double celling in  
11 the lockup units at Folsom. You know, we're trying to do the  
12 best we possibly can under real trying circumstances, Senator,  
13 because as I indicated, we have almost 43,000 right now. The  
14 last two weeks, the week before last, we had a net growth of 361  
15 in one week. This past week was 152. So, in two weeks' time, I  
16 had a net growth in the Department of over 500.

17           SENATOR PETRIS: That's not what I read in the  
18 newspaper. What I read in the newspaper --

19           MR. McCARTHY: Well, I'm telling you what is the truth.

20           SENATOR PETRIS: I know it's true, but what I read in  
21 the newspapers and the clamor of certain segments out there is  
22 that nobody gets convicted.

23           You've seen that, haven't you? Nobody gets convicted;  
24 they all get tapped on the wrist and turned loose. And I want to  
25 know where all these people are coming from. I've been hearing  
26 this clamor of overcrowding for the last 8 years.

27           MR. McCARTHY: That's right.

28

1           SENATOR PETRIS: Senator Presley's heard it for at least  
2 that long.

3           MR. McCARTHY: That's about the time when it all started  
4 taking place, about seven or eight years ago, and we've more than  
5 doubled our population in that period.

6           Anybody who says that, you know, they're not sending  
7 those people to prison, I'd be the first one to --

8           SENATOR PETRIS: I may call on you for some help from  
9 time to time.

10          MR. McCARTHY: I'd be tickled to death to do so.

11          SENATOR PETRIS: I'll tell you, I give my share of  
12 speeches to local service clubs and other people.

13          MR. McCARTHY: I do the same thing.

14          SENATOR PETRIS: And I get that all the time: Why don't  
15 you send those guys to prison?

16          And I come up here, and I hear complaints of  
17 overcrowding.

18          I'll tell you, the contempt thing bothers me for a  
19 couple of reasons. I may ask you to come back later, after we've  
20 heard some more information and heard from Mr. Campoy.

21          One is that it reminds me of the situation with Mr.  
22 Procunier. You probably remember that I very, very strongly  
23 opposed his appointment to some position within the Department of  
24 Corrections or Adult Authority, I forget which.

25          MR. McCARTHY: It was the Chairman of the Adult  
26 Authority.

27

28

1           SENATOR PETRIS: Okay, and he was never confirmed. And  
2 the reason was that I had transcripts of statements he made in  
3 open court showing a defiance of the court, and unwillingness to  
4 follow court orders, and an unwillingness to follow statutes duly  
5 enacted by this Legislature and signed by the Governor.

6           Now, for a person who has a law and order career and is  
7 supposed to serve as a model, you know, of respect for the law,  
8 that's a no-no.

9           Now, we have this one situation, and I said at the  
10 outset, it's probably the worst facility we have physically.  
11 It's very old. It would be nice if we had a brand new place.

12          MR. McCARTHY: Well, San Quentin and Folsom are --

13          SENATOR PETRIS: They're even Stephen, but two maximum  
14 security places, and they both happen to be the oldest. Well,  
15 you know, the plumbing isn't right. I understand the reason they  
16 break out the windows, as a prior witness testified, is that it  
17 becomes an oven in that place. I've heard statements, may be  
18 true or not, somebody can confirm them, that it gets so hot  
19 sometimes that you can't operate certain metal gates, or  
20 whatever, by hand because they're too hot. I can imagine what  
21 happens to the person sitting next to it. So, they break the  
22 window to get some air.

23          That may not be the Warden's fault. We don't give him  
24 money to put in air conditioning, I suppose, or a fan, or  
25 something. But they're suffering nevertheless.

26          Now, the court in this case said that the double ceiling  
27 order became effective as to Folsom in August, on August 3rd,  
28



1 1983. On that date, the Respondent Warden Morris, who was one of  
2 the Defendants, became subject to the duty to start carrying out  
3 the orders of the court. He was assigned somewhere else, or  
4 rather, the duties actually fell on Mr. Campoy; he was the one in  
5 charge of that particular administrative --

6 MR. McCARTHY: No, not until 1984, early '84.

7 SENATOR PETRIS: Well, it says:

8 "Respondent Campoy became subject  
9 on identical duty upon his acceptance --"

10 MR. McCARTHY: No.

11 SENATOR PETRIS: That was later.

12 "Yet double celling prohibited by  
13 the order was not ended until April 24,  
14 1984, more than 8 months after the  
15 effective date ..."

16 Well, you said seven months; that's close enough.

17 "... and well after the Plaintiffs  
18 had filed the present action for  
19 contempt."

20 In the meantime, some 228 inmates were double-celled,  
21 you know, over and above the prior, and so on and so forth. The  
22 Court goes on to say that this is not a showing of acting with  
23 due dispatch to carry out the order.

24 Now, you're telling me now that they are in compliance  
25 with the order?

26 MR. McCARTHY: They're in compliance, and further more,  
27 Senator, within the last two weeks we had a similar contempt  
28

1 proceeding against us for Soledad and DVI. And I was in Judge  
2 Weigel's court, and we reached an agreement in that court. We  
3 were not found in contempt. We worked out our differences and  
4 things of this nature.

5 And I'm the same as you are. I've been in law  
6 enforcement 36 years of my life. I do not -- I don't always  
7 agree with the courts, but I do not go in contempt of those  
8 courts. I will do everything within my power to conform with the  
9 court's orders that are presented to me.

10 SENATOR PETRIS: I'll take that as a renewal of your  
11 pledge, okay?

12 MR. McCARTHY: Fair enough.

13 SENATOR PETRIS: I may have some questions later.

14 MR. McCARTHY: Fine, thank you.

15 SENATOR PETRIS: Thank you very much.

16 CHAIRMAN ROBERTI: Any further questions?

17 Thank you, Mr. McCarthy.

18 MR. GUNN: Gentlemen, my name is Jake Gunn. I was  
19 Warden of Folsom Prison --

20 CHAIRMAN ROBERTI: What's your name?

21 MR. GUNN: Jake Gunn, J. B. Gunn. I was with the  
22 Department 26 years. I retired in 1976. In my last 9½ years, I  
23 was at Folsom Prison; 6 years of that I was Associate Warden; the  
24 last 3½ until I retired I was Warden.

25 Mr. Campoy was my second in command in both positions.  
26 I found him totally dedicated, all the things that I've heard  
27 complimentary here, and totally honest.

1 Thank you. I'll be around if there's any questions.

2 CHAIRMAN ROBERTI: Thank you, Mr. Gunn.

3 Further witnesses in support?

4 MR. MORRIS: I'm Paul Morris, Deputy Director of  
5 Institutions, and having just -- I've been around 34 years this  
6 month, so I'm rather a newcomer when it comes to the Director and  
7 Joe. However, I was the previous Warden of Folsom Prison. I was  
8 appointed by another administration. I'm still surviving and  
9 working for this administration.

10 I've served at the pleasure of four Directors, and I've  
11 been confirmed by this Committee on two different occasions for  
12 responsible jobs. That's enough background.

13 I think you're going to hear about visiting today, and  
14 as Warden with Joe's able assistance in all of these areas, we  
15 started a Hospitality Trailer there during my tenure. We  
16 extended visiting from five to seven days. I don't think any  
17 institution in the state has more visiting than Folsom Prison has  
18 on a daily basis. We built a brand new triplex out there for  
19 family visiting, overnight visiting. We did this by obtaining a  
20 federal grant, which is a difficult thing to do at best.

21 And as far as closing the visiting during searches, I  
22 was the one that initiated this policy when I was still Warden  
23 there. I did that during '83 before I left because I simply  
24 didn't have enough money to spend \$15,000 a day in overtime  
25 searching and making that place safe to reopen.

26 In regard to the Toussaint case, I also was a Defendant  
27 in that case; I also was the other person found in contempt.  
28

1           One brief word of explanation on that. When you're a  
2 warden of a prison, you do not control intake nor do you control  
3 releases. We do that; the Board of Prison Terms controls  
4 releases, and the person in my position downtown controls your  
5 intake.

6           All during the pendency of the Toussaint contempt, up  
7 until December of '84 when I left there and assumed my new  
8 position, there was -- they never did at any point stop the buses  
9 from coming in; therefore, it was a physical impossibility for  
10 Joe or myself to come into compliance at that point during that  
11 particular period of time. We did not have the bed space to come  
12 into compliance.

13           As soon as I got on the job, and as soon as the Director  
14 was appointed and realized we were not in compliance, he ordered  
15 me to get into compliance. Four months later, in my new  
16 position, I had the Warden out there, Joe Campoy, in compliance,  
17 and we've stayed in compliance ever since.

18           I worked with Joe for seven years. When I went into  
19 Folsom Prison, the Director at that time told me I could get rid  
20 of any top staff I wanted to in order to operate that  
21 institution. I had a blank check. The only thing he asked me to  
22 do was to work 90 days and become acquainted with them before I  
23 made my decision.

24           I made a decision at the end of that 90 days to keep Joe  
25 Campoy. It's one of the best decisions I've ever made in my  
26 life. He really was a good right-hand man during my tenure out  
27 there.



1 Thank you. I'll be around for the rest of the hearing.

2 CHAIRMAN ROBERTI: Any further witnesses in support?

3 Witnesses in opposition? Let me see how many there are.

4 There's seven or eight.

5 We'll recess for five minutes so that the reporter can  
6 change her tape.

7 (Thereupon a brief recess was taken.)

8 CHAIRMAN ROBERTI: The meeting will come to order.

9 We'll now take witnesses in opposition to Mr. Campoy's  
10 appointment, and we will start with the woman on my left, your  
11 right.

12 Please indicate your name and who you represent if  
13 someone other than yourself.

14 MS. LOPEZ-BEN: I'm Officer Lopez-Ben. I started in law  
15 enforcement with the Department of Justice in 1975, where I  
16 remained until I became a Correctional Officer at Folsom Prison  
17 in 1981. I have been commended by Warden P. J. Morris for an  
18 outstanding job --

19 CHAIRMAN ROBERTI: Could you speak more into the  
20 microphone and go a little slower.

21 MS. LOPEZ-BEN: I am currently off of work --

22 CHAIRMAN ROBERTI: You're an officer at Folsom?

23 MS. LOPEZ-BEN: Folsom Prison, yes.

24 CHAIRMAN ROBERTI: And your name again?

25 MS. LOPEZ-BEN: Officer Lopez.

26 CHAIRMAN ROBERTI: Thank you, Officer.

27 MS. LOPEZ-BEN: I am currently off work due to stress.

28

1 MS. MORRISON: My name is --

2 CHAIRMAN ROBERTI: Maybe we'll just do one witness at a  
3 time.

4 Do you want to continue, Officer Lopez, with your  
5 statement?

6 MS. HALLSTROM: Could we do it in an order?

7 CHAIRMAN ROBERTI: Fine, very good. Please indicate  
8 your name.

9 MS. MORRISON: My name is Karen Morrison. I resigned  
10 from Folsom State Prison.

11 CHAIRMAN ROBERTI: I think it's difficult to hear,  
12 Officer Morrison.

13 MS. MORRISON: My name is Karen Morrison. I resigned  
14 from Folsom State Prison 3½ weeks ago. I was a Correctional  
15 Officer for approximately 6½ years.

16 I began my career as a Correctional Officer at Soledad  
17 Prison and at Vacaville. There I transferred to Folsom State  
18 Prison in November of 1980, where I worked for approximately four  
19 years.

20 MS. HALLSTROM: My name's Karen Hallstrom. I was a  
21 Sergeant at Folsom State Prison. I recently retired on a stress  
22 disability.

23 My prior background is, I went for school for two years  
24 as a criminal justice major. I worked for the Sacramento  
25 Sheriff's Department and a private security office.

26 I was the President of the American Criminal Justice  
27 Association at Sacramento City College.



1           We are here today to make this Committee and the public  
2 aware of the sexual harassment and discrimination at Folsom State  
3 Prison. We want it known that women do not leave Corrections  
4 because of the problems with inmates, but because of the  
5 harassment and discrimination by the staff and administration.

6           Mr. Campoy told me personally that he hoped he would not  
7 be around to see the day that women were working in all positions  
8 at Folsom.

9           MS. MORRISON: Mr. Campoy remarked to me that he guessed  
10 he would have to deal with my problems since I had gone to an  
11 outside source concerning a staff problem.

12           MS. LOPEZ-BEN: Director P. J. Morris stated he  
13 personally informed Warden Campoy about my sexual harassment  
14 complaints, yet no action was taken.

15           CHAIRMAN ROBERTI: Director Morris is --

16           MS. HALLSTROM: Past Warden.

17           CHAIRMAN ROBERTI: Paul Morris, yes, fine.

18           MS. HALLSTROM: An opinion expressed in my presence and  
19 practiced by Warden P. J. Morris was that he would do as he  
20 pleased until someone with more authority told him to stop.

21           SENATOR CRAVEN: Ms. Hallstrom, was that reference made  
22 to Mr. Morris?

23           MS. HALLSTROM: Yes.

24           SENATOR CRAVEN: I see. Very well.

25           MS. HALLSTROM: Female officers are discouraged from  
26 attending WLC meetings, Women's Liaison Council meetings, because  
27 there is a fear that they will bring up subjects no one wants to  
28 deal with.

1 Mr. Potter, the current AWC, stated that the meetings  
2 would only continue if they were to cause no problems.

3 When I asked Captain Potter about more positions for  
4 women, and mentioned that in other institutions the women were  
5 working in a variety of positions, he stated that he cleaned his  
6 wallet out when those women started talking that way.

7 Captain Potter was an EEO officer at the time.

8 CHAIRMAN ROBERTI: EEO is --

9 MS. HALLSTROM: Equal Employment Opportunities officer.

10 MS. MORRISON: This attitude at the top is communicated  
11 to the male officers. As a result, it is open season on women in  
12 uniform. It is general knowledge that working with the staff is  
13 much more stressful and difficult than working with the inmates.

14 CHAIRMAN ROBERTI: How many women currently are employed  
15 at Folsom?

16 MS. HALLSTROM: Approximately 60.

17 CHAIRMAN ROBERTI: Of prison personnel of how many?

18 MS. MORRISON: Approximately 470.

19 MS. LOPEZ-BEN: One officer stated every time he saw me,  
20 he felt an erection. This same officer made several obscene  
21 proposals in the presence of inmates and staff.

22 MS. MORRISON: The watch sergeant offered my body to an  
23 inmate in my presence.

24 MS. HALLSTROM: Female officers at Folsom are called CCs  
25 and split tails. I was personally called a butch, a bull dyke, a  
26 whore, and a bleached blonde stupid bitch. I was accused of  
27 sleeping with a variety of people, anyone who showed any  
28

1 kindness, up to and including Dorothy Robey, who was then Deputy  
2 Director of Corrections.

3 MS. MORRISON: My supervising sergeant had the inmate  
4 clerk tape hard-core pictures of nude women on my building count  
5 board. After removing the pictures numerous times, I finally  
6 protested to the sergeant. His remarks to me were to leave them  
7 alone.

8 CHAIRMAN ROBERTI: Pictures of nude women on your  
9 billboard?

10 MS. MORRISON: A count board that I used every day to  
11 take the inmates' count. He taped pictures on the board, and  
12 daily I would tear them off, and I finally protested, and he told  
13 me to leave them there.

14 CHAIRMAN ROBERTI: Who did that?

15 MS. MORRISON: He instructed the inmate clerk.

16 CHAIRMAN ROBERTI: Who instructed?

17 MS. MORRISON: My sergeant.

18 CHAIRMAN ROBERTI: Did you protest to the prison  
19 authorities?

20 MS. MORRISON: I went through the chain of command, and  
21 I addressed the issue to him.

22 CHAIRMAN ROBERTI: What was the response?

23 MS. MORRISON: He told me to leave the pictures on the  
24 board, but I continued to tear them off.

25 SENATOR CRAVEN: Question.

26 CHAIRMAN ROBERTI: Senator Craven.

27

28

1           SENATOR CRAVEN: When, Ms. Morrison, you referred to  
2 chain of command, how high does that chain extend? Who is the  
3 deciding person, if you will?

4           MS. MORRISON: It depends on the position of the person  
5 that you are having a problem with. In this case, it was my  
6 immediate supervisor; I directed the problem to him.

7           Had the issue not stopped in the near future, then I  
8 would have had to have gone to the Housing Lieutenant. But after  
9 repeatedly tearing the pictures off, his games and fun, I guess,  
10 seemed no longer to be fun and he did stop.

11          SENATOR CRAVEN: Very well.

12          SENATOR DOOLITTLE: So, you never got beyond the next  
13 level of command, never got beyond your superiors; is that right?

14          MS. MORRISON: No, but I had to go through this for  
15 approximately six weeks.

16          SENATOR DOOLITTLE: So, Mr. Campoy, since this is the  
17 hearing on his confirmation, would not reasonably be held to be  
18 knowledgeable of such treatment.

19          MS. MORRISON: Mr. Campoy is responsible for all of his  
20 employees.

21          SENATOR DOOLITTLE: That is certainly true, but if it  
22 never worked its way through the chain of command, he would not  
23 have heard of the incident. And you're confirming he did not  
24 hear of the incident.

25          MS. MORRISON: There were other times further in my  
26 career that these examples were brought up, of harassment, during  
27 sexual harassment charges that I did file. They were all  
28 dismissed.



1 SENATOR DOOLITTLE: By Mr. Campoy?

2 MS. MORRISON: He reviews them.

3 SENATOR DOOLITTLE: Have you served at other  
4 institutions besides Folsom?

5 MS. MORRISON: Yes, I served at two other institutions.  
6 I served at Soledad State Prison, and I served at Vacaville.

7 SENATOR DOOLITTLE: How did you find conditions relative  
8 to sexual harassment at those institutions?

9 MS. MORRISON: I can only speak for myself. I did not  
10 suffer any sexual harassment at those two institutions.

11 SENATOR DOOLITTLE: I am aware that such harassment has  
12 occurred at least at Soledad, and I would suggest it's not unique  
13 to Folsom Prison, or certainly --

14 MS. MORRISON: I'm not suggesting it's unique. I said I  
15 spoke for myself, and it did not occur to me at those two  
16 institutions.

17 SENATOR DOOLITTLE: Thank you.

18 MS. LOPEZ-BEN: One lieutenant asked me out on several  
19 occasions. After several replies of no, he became angry and  
20 stated I needed to be bitch slapped. That same lieutenant on the  
21 same evening placed a dead rat --

22 CHAIRMAN ROBERTI: You needed to be what?

23 MS. LOPEZ-BEN: Bitch slapped.

24 That same evening, that same lieutenant placed a dead  
25 rat on the security gate I was working.

26 MS. MORRISON: I was told often by my supervising  
27 sergeant: Morrison, go search your cells so I may watch you bend  
28 over.

1 MS. HALLSTROM: I was manhandled by male officers,  
2 picked up, slung around until I had to kick the officer in the  
3 groin to make him stop. Another female officer had bad bruises  
4 on her back and legs when the same officer tried to lay her  
5 backwards across the desk.

6 When I agreed to date a sergeant, I was given priority  
7 job assignments. When stopped dating him, I received poor  
8 assignments, and he withdrew his offer of a recommendation to a  
9 good permanent assignment on the day shift.

10 MS. LOPEZ-BEN: My Watch Commander verbally reprimanded  
11 me for bringing my personal problems to work when I had a  
12 miscarriage while on duty.

13 The watch sergeant called me into his office and stated  
14 that he had something for me. In the presence of sergeants and  
15 lieutenants, including the captain, he handed me a can of dog  
16 food. When I turned to walk out, one lieutenant shouted: Don't  
17 forget your lunch.

18 During my first week of employment, one lieutenant  
19 stated that I would have to sleep with him or I would not make it  
20 within the Department.

21 My watch sergeant, in the presence of inmates and staff,  
22 demanded to know if I was on my menstrual period. When I refused  
23 to answer, he ordered me several times to pick up a used sanitary  
24 napkin that was thrown out on the main yard.

25 MS. MORRISON: I received several calls at home calling  
26 me a convict whore lover while I was off duty for the stress of  
27 my husband's death. My home phone number is only listed at  
28 Folsom State Prison.



1 MS. HALLSTROM: I received obscene phone calls. When I  
2 reported this to the watch lieutenant, naming the caller, nothing  
3 was done. These calls were made while I was on duty.

4 Two other officers substantiated the charges.

5 MS. LOPEZ-BEN: I was slapped on the buttocks by a  
6 sergeant on several occasions in front of inmates and staff.

7 MS. MORRISON: This same sergeant slapped me on the  
8 buttocks in the Number Three Building in the presence of staff  
9 and other inmates.

10 CHAIRMAN ROBERTI: In those cases, did you protest?

11 MS. MORRISON: Yes.

12 CHAIRMAN ROBERTI: Once again?

13 MS. MORRISON: The chain of command.

14 CHAIRMAN ROBERTI: What position would have been the  
15 immediate position above the sergeant?

16 MS. MORRISON: The housing lieutenant.

17 CHAIRMAN ROBERTI: What was his response?

18 MS. MORRISON: It was our personal problem.

19 CHAIRMAN ROBERTI: It was your personal problem.

20 Under the chain of command, can you take a complaint  
21 further than that?

22 MS. MORRISON: Yes.

23 CHAIRMAN ROBERTI: To whom would that be?

24 MS. HALLSTROM: The captain.

25 MS. LOPEZ-BEN: In this complaint that I filed, this  
26 incident with the sergeant, was taken all the way up to the  
27 Warden Campoy, and this was the complaint that he ignored.  
28

1 CHAIRMAN ROBERTI: This is the complaint of slapping you  
2 on the buttocks.

3 How about the complaint of Officer Morrison? How far  
4 did your complaint go?

5 MS. MORRISON: I addressed it directly to the sergeant,  
6 and his behavior ceased. He never touched me from that time  
7 forward.

8 CHAIRMAN ROBERTI: Was this the same sergeant?

9 MS. MORRISON: Yes.

10 CHAIRMAN ROBERTI: Did Officer Lopez' complaint reach  
11 Mr. Campoy, or go through the chain of command, before Officer  
12 Morrison complained?

13 MS. MORRISON: No, I was employed at Folsom prior to  
14 Rachel being employed there, and it happened to me first.

15 MS. HALLSTROM: We will show later the results of our  
16 complaints to the higher levels.

17 CHAIRMAN ROBERTI: Very good, thank you.

18 MS. HALLSTROM: I was pinched on the rear by a fellow  
19 officer in the presence of that same sergeant, other officers,  
20 and a dining room filled with inmates. No action was taken by  
21 that sergeant.

22 MS. LOPEZ-BEN: When I had an asthma attack at work and  
23 transported in an institutional vehicle, I was dropped off at the  
24 hospital and then refused transportation back. My vehicle was at  
25 the institution; this was at 11:30 p.m.

26 MS. MORRISON: When the captain's clerk called me to  
27 work overtime, I told him I needed to discuss it with my husband.

28

1 His response was to order me to have it discussed before hand in  
2 the future if I wanted to continue to have overtime.

3 MS. LOPEZ-BEN: The captain's clerk stated if I wanted  
4 to make sergeant, I would have to sit under his desk.

5 MS. HALLSTROM: I received an obscene magazine in my  
6 institutional mail box. Someone took mail that was directed to  
7 me and replaced with this magazine.

8 Many times my mail was tampered with or stolen.

9 MS. LOPEZ-BEN: When I asked for a job in culinary, I  
10 was told by the sergeant I had to bench press 200 pounds before  
11 being considered.

12 When I complained to my supervisors about certain  
13 inmates masturbating in front of me, one stated if he were not in  
14 uniform, he would be doing the same thing. Another stated:  
15 Isn't that what you women like.

16 When I addressed the issue about open toilets on the gun  
17 walks, I was told: If you want a man's job you have to put up  
18 with it.

19 MS. MORRISON: Rather than be walked up on trying to use  
20 the toilet on a gun walk, I have gone home in pain many times for  
21 not using the facilities for more than nine hours.

22 MS. HALLSTROM: I was walked up on by a male officer  
23 while trying to go to the bathroom. The toilet situation has  
24 always been a problem at Folsom. One female officer offered a  
25 reasonable solution some six years ago and nothing was done. One  
26 female I know of was written up while trying to use the restroom  
27 on a gun walk.  
28

1 CHAIRMAN ROBERTI: Senator Doolittle.

2 SENATOR DOOLITTLE: Did you at the time you were  
3 employed there belong to the Correctional Peace Officers  
4 Association, or one of the employee organizations?

5 MS. HALLSTROM: Yes, I was a member of CCPOA from the  
6 day I walked in prison.

7 SENATOR DOOLITTLE: Did you address some of these  
8 complaints to them?

9 MS. HALLSTROM: We would like to show later why we did  
10 not approach our union with these problems.

11 CHAIRMAN ROBERTI: Could you also help us with how many  
12 individual co-workers, other officers, are we talking about with  
13 each one of these complaints?

14 MS. HALLSTROM: As far as the restroom issue, every  
15 female on a gun walk has always had a problem trying to figure  
16 out how to use the facility. Nothing has been done.

17 The offer by the female officer in a Women's Liaison  
18 Council, in Mr. Morris' presence, Warden Morris, was a modesty  
19 screen with a see-through glass, where you could see out but the  
20 inmates could not see in. She went so far as to get the specs to  
21 have these built, and nothing was still done, six years ago.

22 We have an officer now who is towered because she raised  
23 the toilet issue, and she was placed in a tower.

24 CHAIRMAN ROBERTI: She was what?

25 MS. HALLSTROM: She was placed in a tower because she  
26 would not -- she would not give up fighting for some kind of  
27 adequate facilities.

28



1 CHAIRMAN ROBERTI: What does placing in a tower mean?

2 MS. HALLSTROM: That's punishment.

3 MS. MORRISON: She was given a punitive job change.

4 CHAIRMAN ROBERTI: What was her job before she was --

5 MS. HALLSTROM: She was on one gun walk where the toilet  
6 situation was constantly a problem.

7 CHAIRMAN ROBERTI: I take it a gun walk is where you  
8 patrol the cells with a gun?

9 MS. HALLSTROM: Yes.

10 CHAIRMAN ROBERTI: And after that, she was placed in a  
11 tower.

12 MS. HALLSTROM: Right.

13 MS. LOPEZ-BEN: There are also no sanitary napkin or  
14 tampon machines within the main institution for female staff.

15 CHAIRMAN ROBERTI: Within the main restroom?

16 MS. LOPEZ-BEN: Within the main institution.

17 MS. MORRISON: In June of 1984, I was accused of hugging  
18 an inmate when observed standing 1½ foot from an inmate. The  
19 officer that accused me had repeatedly asked me out should he  
20 ever leave his wife. I was removed from work for approximately  
21 one month.

22 MS. HALLSTROM: As a mailroom sergeant, part of my job  
23 was to go through the inmate mail. During the searching of  
24 inmate mail, I found this letter. The letter indicates that an  
25 inmate overheard an unidentified officer say that if he saw an  
26 inmate attacking a female officer, he would wait until the inmate  
27 had done a good job, then beat the hell out of the inmate.  
28

1 I directed this letter to the investigating sergeant; no  
2 action was taken.

3 CHAIRMAN ROBERTI: What prompted that comment?

4 MS. HALLSTROM: What prompted what?

5 CHAIRMAN ROBERTI: What prompted that comment? Was it  
6 just in general conversation?

7 MS. HALLSTROM: It was a letter he was writing out.

8 CHAIRMAN ROBERTI: It was a letter he was writing out?

9 MS. HALLSTROM: Yeah.

10 CHAIRMAN ROBERTI: Do you have a copy?

11 MS. HALLSTROM: Yeah.

12 CHAIRMAN ROBERTI: Is that in writing?

13 MS. HALLSTROM: Yeah.

14 CHAIRMAN ROBERTI: His response would be that he'd wait  
15 to see that the inmate did a good job?

16 MS. HALLSTROM: Beating up the female.

17 CHAIRMAN ROBERTI: Beating up the female officer.

18 MS. HALLSTROM: And then he would in turn beat up the  
19 inmate.

20 CHAIRMAN ROBERTI: Then he'd beat up the inmate.

21 MS. HALLSTROM: Right. And there was no investigation  
22 done.

23 CHAIRMAN ROBERTI: Did you ask for an investigation?

24 MS. HALLSTROM: I turned it over to the investigating  
25 sergeant. It was his position; it was his assignment. If I  
26 butted into an area like that, I was chastised.

27

28



1 MS. MORRISON: In July of 1984, in a meeting with a  
2 union representative and Attorney Mara Levine, the union  
3 representative told me sometimes he starts gossip to keep the  
4 tension from the officers.

5 MS. HALLSTROM: When I requested the investigating  
6 sergeant's position directly to the captain, and inquired what  
7 steps I should take to better prepare myself for the position, I  
8 was told by the captain: You either have it or you don't. I had  
9 refused a dinner invitation from this man on a prior occasion.

10 MS. MORRISON: In September of 1984, I was called into  
11 the captain's office for two Saturdays in a row and questioned by  
12 two lieutenants and a union representative concerning Officer  
13 Rachel Lopez and her charges of sexual harassment. They wanted  
14 to know if she was naming them. This one lieutenant attempted to  
15 discredit her by stating to me: She only got what she asked for.

16 There was a miscommunication between the housing officer  
17 and myself regarding the date of a cell move. The housing  
18 lieutenant was overheard instructing the officer the next time to  
19 speak to a male officer if it was important. Cell moves for  
20 Number Three Building were my assigned duty.

21 A sergeant often makes sexually explicit and demeaning  
22 comments to me and other female officers. One example of some of  
23 his comments is: he told me that I could sit on his face  
24 anytime.

25 MS. HALLSTROM: It was well known and accepted that male  
26 officers had more authority and credibility than any female  
27 officer or sergeant. The pecking order placed women at the  
28 bottom under the inmates.

1           A security precaution I initiated as part of my job in  
2 the visiting room was ignored by male staff. This put an  
3 inmate's life in immediate jeopardy.

4           MS. MORRISON: I was assigned to work C Block in Number  
5 One Building where inmates were on lockup status. On the day that  
6 the unit changed names to the Security Housing Unit II, a male  
7 officer slammed the gate in my face and locked it stating: Women  
8 do not work in lockup units.

9           MS. LOPEZ-BEN: These are the results when we questioned  
10 the way we were treated.

11           When I complained to the captain about the sexual  
12 harassment, I was placed in the outside tower and accused of  
13 over-familiarizing with inmates. I received phone calls while on  
14 duty by staff and called names such as slut and convict-lover.  
15 Yet the officer I complained about was given a job in custody  
16 with weekends and holidays off by the captain himself.

17           MS. HALLSTROM: Up until recently, women were only  
18 allowed to work visiting, towers, and perimeter gates. Women are  
19 still being denied access to Security Housing Unit and the yard.

20           The yard lieutenant has refused to have women assigned  
21 to officer or sergeants positions in that area.

22           I was chastised for not going through the chain of  
23 command when requesting more positions for women. I had talked  
24 to the watch sergeant and the watch lieutenant, who told me that  
25 the captain had the only authority to grant the request. So when  
26 I spoke to the captain and one position was opened up, the watch  
27 sergeant ripped me apart verbally.

28

1 MS. LOPEZ-BEN: The EEOC counselor refused to take a  
2 copy of my complaint and stated: Mexican women are just touchy  
3 people.

4 MS. MORRISON: When I filed charges against a sergeant  
5 for sexual harassment, his supervisors excused his behavior as  
6 slightly immature and that they were working on it.

7 CHAIRMAN ROBERTI: When specific conduct was this?

8 MS. MORRISON: This specific one is where he offered my  
9 body to an inmate.

10 MS. HALLSTROM: I was replaced on the Women's Liaison  
11 Council Committee by Warden Morris. In my place he put a woman  
12 very few female officers at Folsom like or trust, although I had  
13 been elected by the female staff at Folsom to represent them, and  
14 my replacement had not.

15 MS. LOPEZ-BEN: When I filed my complaint with Central  
16 Office, I was offered a transfer to another institution if I  
17 dropped my complaint by Director P. J. Morris.

18 Since my complaint, my husband, who is a correctional  
19 officer at Folsom Prison, has been subjected to daily verbal  
20 abuse and harassment by his supervisors and staff. One  
21 supervisor stated: If you want to keep your job, you better tell  
22 the Investigative Committee your wife is a crazy whore.

23 He was also informed by another lieutenant he was going  
24 to be fired. Rumors were he was going to be stabbed in culinary,  
25 set up by staff. After three weeks off due to stress, he  
26 returned and, per orders of the investigative lieutenant, was  
27 placed outside the main institution. There his watch commander  
28



1 called him into his office and told him: Your wife got what she  
2 deserved. He was also told that he was not wanted there anymore;  
3 he advised my husband to quit before he was fired.

4 SENATOR PETRIS: Do you have the names of these people?

5 MS. LOPEZ-BEN: Yes, we do.

6 SENATOR PETRIS: At the proper time, Mr. Chairman, I'd  
7 like to get the name of every one of those persons and have  
8 proper inquiries directed to them as well as to their superiors.

9 CHAIRMAN ROBERTI: I agree with you, Senator.

10 MS. HALLSTROM: We thank you.

11 MS. MORRISON: When placed off work at Folsom State  
12 Prison, they failed to notify me that I was banned from the  
13 institution. This action was taken when I was supposedly off due  
14 to stress.

15 Staff is only banned from an institution for serious  
16 offenses. The posting of the memo banning me from the grounds by  
17 the administration created serious irrevocable damage to my name.

18 MS. LOPEZ-BEN: Because we cannot afford an attorney,  
19 and the union refuses to represent us, my husband was notified he  
20 was going to be placed back inside the main institution for  
21 failing to cooperate with SSU. This is being done knowing his  
22 life has been threatened by staff because of my suit.

23 MS. HALLSTROM: As a resolution to my EEO complaint at  
24 the federal level, Mr. Campoy agreed to make several changes in  
25 the institution relating to harassment and discrimination.  
26 Rachel and Karen both filed complaints after this commitment had  
27 been made.  
28

1 Mr. Campoy had not honored his commitment. I have  
2 copies of the commitments he made to the federal government.

3 As a result of another female sergeant leaving Folsom  
4 under disturbing circumstances, I contacted Mr. Campoy to discuss  
5 some of the resolutions to the problem at Folsom. He was he was  
6 interested; however, he never called me as he said he would to  
7 set up an appointment to discuss the issues and resolutions.

8 There are currently no women left at Folsom that were  
9 there when I started in 1977: 5 left of the 22 that were hired  
10 in the next two years; 18 women that we know of have left from  
11 stress; 8 of those have filed harassment and/or discrimination  
12 complaints.

13 The turnover is too large to ignore. The Department has  
14 serious problems with their administration. Mr. McCarthy himself  
15 had a large discrimination complaint filed against him at CMC  
16 when he was Superintendent.

17 We need help to clean out and clean up. Those who are  
18 keeping inmates locked up for breaking laws flaunt their misuse  
19 of power by breaking laws themselves. Women who need their jobs  
20 to support themselves and their children are afraid to speak out.

21 I personally like and respect Mr. Campoy. I feel that  
22 many of the situations that occurred did so without his  
23 knowledge. He is a nice man and an old-fashioned gentleman who  
24 has failed to deal effectively with a very real problem he hoped  
25 would go away. His strength in other areas was and is much  
26 admired by many. He inherited these problems which the prior  
27 warden failed to handle. He better than any other can hold  
28

1 Folsom together at a very crucial time. He, too, can implement  
2 the necessary changes if he chooses to do so.

3 Rather than lose lives as a result of failure to confirm  
4 him, I would rather challenge him to stay and implement the  
5 changes; follow through not with empty promises, but drastic  
6 moves if necessary; removal and/or disciplinary action to those  
7 responsible for the reprehensible way Folsom is treating a good  
8 portion of its staff.

9 MS. MORRISON: To this Committee I do not render an  
10 opinion on confirmation. I do, however, concur with the feelings  
11 and the opinions of Sergeant Karen Hallstrom that the Warden is  
12 ultimately responsible, and he or she must make and take sure and  
13 effective steps to correct the selective mistreatment of female  
14 staff.

15 The Department has allowed too many excellent personnel  
16 to be mentally broken, causing far-reaching damage to their lives  
17 and to their families. Past years of experience and training,  
18 and the future years of our careers have been destroyed and lost,  
19 and all for the permitted cruel ignorance of my male peer group.

20 To the Warden I issue you a plea to be aware and  
21 sensitive to those who have a tough job to do. We do not need  
22 our job complicated by cruel and permitted insensitive  
23 harassment. I'm not an inmate; I demand better treatment for  
24 those I left behind and those that will follow behind me.

25 MS. LOPEZ-BEN: I oppose Mr. Campoy appointed as Warden.  
26 I cannot believe or accept the excuse that he was not aware of  
27 the abuse and harassment endured by his female staff on a daily  
28



1 basis. With Mr. Campoy's attitude and opinion of women working  
2 as correctional officers, these problems will continue. I do not  
3 see how he can undo the damage he himself helped to create.

4 MS. HALLSTROM: You asked why we did not go to our  
5 union. We will now give you reasons why.

6 The Union Vice-President called me a whore in front of a  
7 sergeant, officers and inmates. The sergeant, rather than taking  
8 any action against the officer, reported the incident to me.  
9 When I confronted the officer, he justified his remark by saying  
10 I should not take it personally; they referred to all female  
11 officers as whores.

12 MS. LOPEZ-BEN: I was verbally reprimanded and  
13 threatened with termination by the captain for wearing my uniform  
14 into a store to purchase gas on my way to work. Since my past  
15 experiences with threats of termination and harassment from my  
16 supervisors, I went to CCPOA President, who is also a sergeant at  
17 Folsom Prison, Don Novey, for help and advice. This was  
18 following a gun control protest. He asked me to meet him at  
19 CCPOA headquarters. There, Sergeant Novey stated that for sexual  
20 favors, he would make sure I passed probation. And to keep my  
21 job, I wanted to be an officer -- being a single parent, I needed  
22 my job. With those thoughts in mind, I submitted to Sergeant  
23 Novey's request and had sex with him on the floor at CCPOA  
24 headquarters. I felt at that time I had no choice.

25 MS. MORRISON: A Union representative told me that he  
26 starts gossip to keep officers from being too tense.

27  
28

1 MS. HALLSTROM: When an investigation was being  
2 conducted on an employee, the CCPOA rep. showed me confidential  
3 papers relating to her case which I had no business seeing.

4 MS. LOPEZ-BEN: CCPOA legal counsel, Mara Levine, stated  
5 that Union Rep. Steve Fournier and Kevin Mahoney advised her not  
6 to represent me because I was dirty and a whore.

7 MS. MORRISON: The Union Representative attempted to  
8 sway my testimony on the Rachel Lopez investigation by referring  
9 to her as a welfare tramp. This Rep. said this to me as I was on  
10 my way to talk to her investigative panel.

11 MS. HALLSTROM: A Union Rep. was aware of the contents  
12 of this manila envelope, which I showed you, I was taking to the  
13 captain. The envelope had been in my mailbox and had my name on  
14 it. Therefore, he had to have opened my mail to know of the  
15 contents, or he had placed the pornographic material there  
16 himself.

17 CHAIRMAN ROBERTI: Give me this again? Explain the  
18 situation.

19 MS. HALLSTROM: When I took this magazine to the  
20 captain's office to lodge a complaint, this was my last day at  
21 Folsom State Prison. I went -- the captain was out --

22 CHAIRMAN ROBERTI: That was in your mailbox?

23 MS. HALLSTROM: This was in my mailbox.

24 CHAIRMAN ROBERTI: Your Folsom mailbox.

25 MS. HALLSTROM: Right.

26 CHAIRMAN ROBERTI: Within the prison, okay. And you  
27 lodged a complaint when you received it?  
28

1 MS. HALLSTROM: Before entering the captain's office,  
2 Steve Fournier stopped me said: I know what's in there; I'll let  
3 you handle it.

4 It didn't occur to me at the time why he would know what  
5 was in my confidential mail. He knew. My mail had been tampered  
6 with on prior occasions; my mail had been stolen.

7 There were job fliers originally in this folder; they  
8 were taken.

9 MS. MORRISON: I would like to add that I have received  
10 personal mail at the institution clearly stating my full name; it  
11 has been opened on every occasion.

12 MS. LOPEZ-BEN: Several officers from Folsom have  
13 contacted me and stated that Union Representative Steve Fournier  
14 had a copy of my complaint and allegations and asked staff  
15 members to read it throughout the institution.

16 MS. MORRISON: Attorney Mara Levine told me that she had  
17 been fired from CCPOA supposedly due to no funds in the budget,  
18 and that Rachel Lopez's file had been stolen from her office when  
19 Rachel's case became a threat to the Union President, Don Novey.

20 MS. HALLSTROM: At a Union meeting, the Vice-President  
21 placed a cardboard paper with my name and a 50-cent sign on the  
22 table -- Used by the President -- for the entire membership to  
23 see.

24 MS. MORRISON: I was told after arriving for the Lopez  
25 investigation that if I testified in support of Rachel's  
26 allegations, that I would have to seek another attorney or go it  
27 alone because of the conflict of interest. I was told this by a  
28



1 new female attorney for CCPOA, hired to replace Mara Levine, who  
2 was told she was released because the Union had no funds.

3 MS. HALLSTROM: When I received a letter of instruction  
4 because I was set up by the President of CCPOA, I confronted him  
5 with the write-up. His statement to me was: Why don't you cry.

6 MS. MORRISON: In August, 1984, I was warned by a Union  
7 Representative and the now deceased Union President, Kevin  
8 Mahoney, to stay away from Sergeant Maria Estrella and Officer  
9 Rachel Lopez. The Union was supposed to be representing both of  
10 these female officers at this date. I was told they were dirty.

11 MS. HALLSTROM: When I received a written reprimand for  
12 giving an inmate at the Medical Center a Christmas gift, as I had  
13 another patient in the same room, I asked Don Novey to represent.  
14 I heard nothing from him in preparation of my defense until one  
15 hour before my hearing, when he told me to use clean language.  
16 He didn't open his mouth all the way through the hearing. Novey  
17 and I had had hard feelings from that day on.

18 MS. MORRISON: My deceased husband, Officer Cruman, was  
19 killed on May 15th, 1983. I did not find out until well over a  
20 year following his death that I had benefits due to me from the  
21 Union. The Union did not ever notify me.

22 MS. HALLSTROM: I was attacked frequently in the Union  
23 paper, specifically the Granite, which was issued at Folsom.  
24 This is an example of the way female officers in uniform are  
25 portrayed.

26 No officer would ever go around with her uniform  
27 unbuttoned to her navel.  
28

1           When I wrote an article to the Sacramento Bee regarding  
2 the new changes in search procedures --

3           CHAIRMAN ROBERTI: Was that supposed to be a portrayal  
4 of you?

5           MS. HALLSTROM: That's a female officer.

6           MS. MORRISON: That's an advertisement for a hat.

7           MS. HALLSTROM: I have numerous articles when I was  
8 attacked. I was a Union member, and I was attacked in the  
9 Granite. Anytime anyone tried to write a rebuttal to their  
10 attacks, they attacked the writer.

11           When I wrote an article in the Sacramento Bee regarding  
12 new changes in search procedures at Folsom, the Union copied my  
13 article, commented on it, and asked the writer to step forward  
14 and write for the Granite. When I made it known at a Union  
15 meeting that I was the anonymous writer, they refused me a  
16 position as a writer for the paper. They said I could submit  
17 articles.

18           I didn't do that. I didn't want them hacking up my  
19 material.

20           MS. MORRISON: A work injury report was not filed on my  
21 behalf when I was ordered off work for what they determined as  
22 stress. The Union to date has failed to respond to my  
23 complaints.

24           This is just some of the reasons that we could not go to  
25 our own Union Representative, for whom we have paid dues from the  
26 beginning of our careers.

27

28

1 MS. HALLSTROM: And this is why none of us are any  
2 longer employed at Folsom State Prison.

3 CHAIRMAN ROBERTI: Senator Mello.

4 SENATOR MELLO: That was certainly a serious list of  
5 charges and allegations that were made, and I agree with Senator  
6 Petris and Roberti that the names should be given to our  
7 Committee so we can pursue through some proper channel to make  
8 sure that these charges are looked into.

9 When you mentioned that when you presented these through  
10 the so-called chain of command, you got no satisfaction as to the  
11 resolution of the charges, and also your experience with the  
12 employee organization CCPOA.

13 Are you aware of other entities that you might look to,  
14 such as the Fair Employment Practices Commission, FEPC?

15 MS. HALLSTROM: I approached the FEPC. I went to the  
16 EEO at the federal level, and I have filed civil complaints.

17 Unfortunately, I could not stay at Folsom and file that  
18 paperwork. Rachel attempted to stay at Folsom and file  
19 paperwork, and she had to leave.

20 SENATOR MELLO: Have the rest of you also filed with the  
21 FEPC?

22 MS. LOPEZ-BEN: I did.

23 MS. HALLSTROM: You don't file paperwork at Folsom. You  
24 get -- it's a jacket. You are called a paperhanger, a  
25 troublemaker, and you suffer for it.

26 SENATOR MELLO: I think what I was trying to explore is,  
27 you've exhausted your remedies within the institution and within  
28



1 the employees, but fortunately we have other remedies, such as  
2 the FEPC and the State Personnel Board.

3 Have you filed any of these charges with the State  
4 Personnel Board?

5 MS. HALLSTROM: I filed with the State Personnel Board a  
6 year and a half ago. I filed with the Department; the Department  
7 did an investigation. They ruled that, yes, there was sexual  
8 harassment, but nobody could really be held responsible for it.

9 I took it to the State Personnel Board. They gave the  
10 Department a good six months to conduct an investigation. There  
11 have still been no results to that investigation.

12 The Department initially indicated to State Personnel  
13 Board they might be willing to settle; however, nothing has been  
14 done. State Personnel Board gave them until the 15th of this  
15 month; I've still heard nothing from the Department of  
16 Corrections.

17 State Personnel Board has indicated to me that they will  
18 now go in and do an investigation at Folsom. They do not want to  
19 go in there.

20 SENATOR MELLO: What about the FEPC? Have they  
21 undertaken to respond to this case?

22 MS. HALLSTROM: FEPC, the Fair Employment Practices  
23 Commission will not handle this type of case. They refer you to  
24 the federal level because we are state employees. There is a  
25 battle going on between FEPC and State Personnel Board as to who  
26 actually has authority.

27

28

1           SENATOR MELLO: What about other remedies? We've made  
2 new legislation in the area of sexual harassment in the last few  
3 years, and there would appear to me to be other areas also that  
4 you could pursue, such as through this legislation the District  
5 Attorneys, the Grand Jury, or civil cases and civil remedies.  
6 I've read cases where women have brought cases for sexual  
7 harassment and have recovered large sums of money against  
8 employers, or whoever, because the current law has been tightened  
9 up recently to prohibit --

10           MS. HALLSTROM: As I say, I have a civil suit filed at  
11 this time.

12           SENATOR MELLO: How about the rest of you? Have you  
13 filed any actions under those categories?

14           MS. LOPEZ-BEN: My complaint is still being handled  
15 within the Department, Central Office. Their deadline date for  
16 their results was October 19th. So far the only information I  
17 received from them was that I was under investigation.

18           SENATOR MELLO: I guess as you made these allegations  
19 here, Mr. Campoy is on trial, you might say today, because of the  
20 confirmation thing.

21           Your coming here and alleging these against him is  
22 because of him being the overall person in charge of the overall  
23 institution. But in most of these cases, you've named other  
24 persons who were supervisorial, or persons in command that were  
25 actually directly involved with these incidents.

26           What I'd like to hear is some stronger language on your  
27 part to really tie Mr. Campoy into him allowing this to happen at  
28 Folsom.

1 MS. HALLSTROM: The general attitude that I believe  
2 retired Sergeant Fratis expressed, that women did not belong in  
3 Corrections, was reflected throughout the Department. He was --  
4 there is much more than 50 percent who are opposed to our being  
5 there. The administration -- Mr. Campoy's remark himself that he  
6 did not believe that women belonged there, or should be working  
7 all positions, directly reflects down to the line.

8 We are not getting any support any place.

9 CHAIRMAN ROBERTI: Let me interject on your points and  
10 on Senator Mello's points.

11 First as to how we're going to proceed. I take very  
12 seriously the point that Senator Petris raised, and that is that  
13 I feel we should have some specifics and some detailed  
14 investigation into the specific allegations.

15 We will let Mr. Campoy respond to the extent that he is  
16 involved as an authority there at the conclusion of this hearing.

17 I would recommend that we not come to a vote today.  
18 Frankly, this is the first that I have heard of these  
19 allegations, except that I had heard that there were going to be  
20 some comments as to sexual harassment, but quite frankly, the  
21 extent to which the allegations are made is really rather  
22 shocking and rather extensive.

23 If it is as extensive as the witnesses have indicated,  
24 then I think it is a pertinent point, in my mind, as to how much  
25 the authorities knew that this was going on. Whether anyone  
26 likes it or not, women guards are here and are here to stay. And  
27 demeaning women guards in the presence of their co-workers and  
28

1 especially in the presence of inmates certainly does not and is  
2 not conducive to proper conduct of a prison. In fact, it is  
3 terribly disruptive of the proper conduct of a prison.

4 So, I think we have to delve into the extent to which  
5 this went on. We have to get into the specifics of the  
6 allegations, and then we have to check and see, in the time  
7 available to us, the extent to which the authorities condoned  
8 this.

9 I'm not in any way saying that Mr. Campoy condoned it,  
10 and I might note that the allegations do not go to him  
11 specifically. However, an atmosphere that's been created in the  
12 prison to this extent, if that's the case, is just so enormous  
13 that it gets to the issue of the conduct of the prison, of the  
14 treatment of women who are workers there, and really to the  
15 respect inmates will have toward the guards that just cannot take  
16 place if guards, because of their sex, are demeaned. In a sense,  
17 I have heard few comments or words that are more demeaning.

18 But these are allegations that have been made, and I  
19 think the Committee has a duty to delve into this very cautiously  
20 and very seriously. While we look into it, I want to caution  
21 that the allegations are not at Mr. Campoy personally, but they  
22 are at the atmosphere and the conduct of the prison, which I do  
23 think, at some grievous point, goes to the qualifications of  
24 people to be continued in authority.

25 Do you have any further comments?

26 MS. MORRISON: Not at this time, thank you.

27

28



1 CHAIRMAN ROBERTI: Thank you very much. We have a few  
2 questions.

3 Mr. McCarthy, we'll let you come up, but I'd rather hold  
4 future rebuttals to after the opponents have --

5 MR. MCCARTHY: Just one short statement.

6 We have sent an investigative team, made up of three  
7 women, to Folsom. They interviewed over 100 people, and there's  
8 600 pages of testimony. That report is supposed to be coming to  
9 me within the next week.

10 I'd be glad to share it with you.

11 CHAIRMAN ROBERTI: Thank you very much. We certainly  
12 welcome sharing that with you.

13 SENATOR PETRIS: Mr. Chairman, I just want to know what  
14 the employment status of these ladies is now.

15 You're all out of Folsom. Are you out of the system  
16 completely?

17 MS. HALLSTROM: I am retired from the system completely  
18 and trying to figure out what I want to be when I grow up.

19 SENATOR PETRIS: What about the other two?

20 MS. MORRISON: I am currently unemployed.

21 SENATOR PETRIS: Do you have any plans to go back into  
22 the system, or are you through with it?

23 MS. MORRISON: I am finished.

24 SENATOR PETRIS: Mrs. Lopez?

25 MS. LOPEZ-BEN: Unfortunately, I have a Union attorney.  
26 I've been off -- this is my second time in two years, and I still  
27 have not received any disability.  
28

1           SENATOR PETRIS: Your future plans are rather hazy,  
2 then?

3           MS. LOPEZ-BEN: Right.

4           SENATOR PETRIS: Thank you.

5           CHAIRMAN ROBERTI: Senator Doolittle.

6           SENATOR DOOLITTLE: Just to add, Mr. Chairman, I think  
7 your comments are well taken in regard to the number of  
8 allegations that are very serious and bear looking into.

9           I would suspect that the problems are not isolated at  
10 Folsom Prison, but if looked into would be found to exist  
11 throughout the system. And to some extent it is the problem of a  
12 traditionally male profession being opened up to females. And I  
13 think the problems are real.

14           I guess I would just urge that maybe we take a look at  
15 all of the institutions, not just Folsom, to see what is going on  
16 and how we might help with the situation throughout the whole  
17 Department.

18           CHAIRMAN ROBERTI: That certainly should be an aspect of  
19 our looking into this.

20           MS. HALLSTROM: We would appreciate that, because I  
21 worked for Central Office for a period of time, and one of my  
22 positions was EEO investigator. And I know that these types of  
23 things are going on throughout the Department, but they're being  
24 covered up.

25           CHAIRMAN ROBERTI: Thank you very much.

26           SENATOR PETRIS: Mr. Chairman, I know there are other  
27 witnesses who want to testify. I wonder if it would be proper to  
28



1 call up some two witnesses as resource persons relating to the  
2 lawsuit and the conditions before we go on with opposition  
3 witnesses.

4 Is that okay?

5 CHAIRMAN ROBERTI: Yes, that's fine.

6 SENATOR PETRIS: I'd like to ask the two witnesses, Mr.  
7 Wolinsky and the lady.

8 SENATOR CRAVEN: May I ask a question?

9 CHAIRMAN ROBERTI: Yes, Senator Craven.

10 SENATOR CRAVEN: First of all, I would like to inquire  
11 of the Chair as to what the two resource persons are going to  
12 testify to.

13 SENATOR PETRIS: There's some testimony from proponents  
14 regarding the lawsuit, the contempt order of the court, and the  
15 circumstances surrounding it.

16 As I understand it, Mr. Wolinsky was the attorney who  
17 handled the case. He's here under subpoena. He is not here to  
18 testify in support or against, or to express any opinion on the  
19 confirmation. He was brought in for the purpose of giving us  
20 succinctly the conditions there and the reason for the lawsuit  
21 and the reason for the contempt order.

22 I think we would be well served to have that. I don't  
23 intend to make my inquiry very long.

24 SENATOR CRAVEN: I don't disagree with that, but isn't  
25 the fact that the court's order was placed sufficient evidence of  
26 the efficacy of the move?

1           In other words, we know what was done. We know further  
2 that it was not complied with immediately, although it is in  
3 compliance, they are in compliance today, I understand.

4           And I don't know where rehashing what led up to that  
5 court order, wherein that's going to provide any advantage to the  
6 Committee.

7           In other words, ipso facto. We know what happened, and  
8 what else can we say about it?

9           SENATOR PETRIS: I think it bears directly on the  
10 qualifications of the person being suggested for the job, who is  
11 responsible both as to before and after. I think it bears  
12 directly on the attitude towards obeying the law; that's very  
13 important to me. I don't know how it affects others.

14           This testimony I just heard now, I'll tell you, is very  
15 shocking to me. Not only because of its obscenity, and  
16 vulgarity, and demeaning conduct reported toward certain people  
17 here, the women personnel, but it also shows an arrogance and  
18 defiance of the law. A lot of those acts alleged, if they are  
19 true, are violations of the law.

20           Now, that's all being done under somebody's roof.  
21 That's why I think it has a bearing, Mr. Chairman.

22           Again, I emphasize, these are not volunteer witnesses.  
23 They didn't ask to come in, but they handled the lawsuit, and I'd  
24 like to elicit a certain amount of information.

25           CHAIRMAN ROBERTI: If you could be --

26           SENATOR PETRIS: I'm not going through the whole story.  
27  
28

1 CHAIRMAN ROBERTI: -- succinct and to the point, and  
2 give us the background leading up to the court order.

3 Identify yourselves, please.

4 SENATOR PETRIS: I won't even ask about the original  
5 lawsuit. I'm just going to ask about contempt.

6 Mr. Wolinsky, if you can, tell us what the court  
7 findings were; and secondly, what the court findings were with  
8 respect to the contempt; the current status of the court action.

9 Is it now being cleared up? Has there been a  
10 satisfaction?

11 I hope there is. I understand there's been some  
12 improvement. I've had some reports that there are continuing  
13 efforts, and I'm very pleased to hear that.

14 I had a specific question on the delay. The suggestion  
15 has been made that because of the physical conditions there, it  
16 was just impossible -- at least two witnesses said that -- it was  
17 impossible for the authorities to do anything. That may be so.

18 I'd like for them to tell us what options, if any, were  
19 available for them to act upon immediately in order to carry out  
20 the order. Maybe there weren't any.

21 MR. WOLINSKY: We're prepared to respond to what I  
22 understand to be two parts of that.

23 My name is Sid Wolinsky. I'm an attorney with the firm  
24 of Public Advocates with this case which was filed back in 1973.  
25 There's been a lot of testimony today that makes it sound as if  
26 the Defendants at Folsom Prison had only the last couple of  
27 months or weeks to comply, but these problems have been problems  
28 that have been going on for well over a decade.

1           My partner, Anita Arriola, is with me, who has worked  
2 heavily on the contempt phase of the case.

3           We are co-counsel in this case with the firm of  
4 Pillsbury, Madison and Sutro, Mexican-American Legal Defense Fund  
5 and a number of other law firms.

6           We are not prison activists nor a prison litigation law  
7 firm. We do cases like: school financing cases; Serrano versus  
8 Priest; consumer fraud cases; rights of nursing home persons; et  
9 cetera.

10           I'm going to respond to where we are with -- on the  
11 question about where we are with the existing lawsuit, because a  
12 number of misstatements have been made to this Committee which  
13 are simply factually erroneous. And my partner, Ms. Arriola, is  
14 going to respond on the matters leading up to the contempt  
15 proceeding.

16           Where we are with respect to Folsom Prison is contained  
17 in the Findings of Fact and Conclusions of the Court which were  
18 rendered after ten years of litigation, a two-month long trial,  
19 4600 pages of evidence, and over 60 witnesses. And the Findings  
20 are as follows, and every one of this is a direct quote, which is  
21 a finding from the Court, and every one is applicable to Folsom  
22 Prison:

23                   "Behind the back walls of cells in  
24 each unit runs a service area. The  
25 condition of these areas as demonstrated  
26 by uncontradicted evidence is shocking.  
27 The filth in these service areas adds to  
28



1 the general stench in the immediately ad-  
2 jacent cell area. It provides an ideal  
3 medium in which the cockroaches and rats  
4 that infest both prisons spawn and thrive  
5 and pose a substantial hazard to health of  
6 segregated inmates.

7 "The failure of prison officials to  
8 take account of noise problems has created  
9 an unrelenting nerve-racking din that  
10 fills the Segregation Units and was  
11 roundly condemned by every witness who  
12 addressed the subject.

13 "The electrical wiring system has  
14 been described by experts as an electri-  
15 cal nightmare, presenting serious dangers  
16 of electrocution. Many exposed wires  
17 create a severe fire hazard.

18 "Lockup inmates have on occasion  
19 been locked in their cells without  
20 showers for up to three weeks. Segre-  
21 gated inmates at both prisons --"

22 The reference to "both prisons" is to San Quentin as well as  
23 Folsom:

24 "-- are denied routine access to the most  
25 fundamental requirements for sound personal  
26 hygiene, showers, and hot running water.  
27 Plaintiffs are commonly assigned to cells  
28

1 furnished with mattresses that are dirty,  
2 foul smelling, stained with water, urine,  
3 mildew and food; some are infested with  
4 bedbugs. Lockup cells commonly lack pillows.

5 "Inmates complain of having gone for  
6 as long as five months without a change of  
7 blues --"

8 Those are their outer garments,

9 "-- and for weeks without a change of  
10 whites."

11 Which is their undergarments.

12 "The shower facilities themselves --"

13 I want to reiterate that I'm reading only the Court's Findings  
14 about Folsom Prison:

15 "The shower facilities themselves are  
16 revolting. Due to accumulated filth and  
17 clogged drains, ponds of stagnant water  
18 commonly stand in the shower floors.  
19 These foster the spread of fungus, mold  
20 and mildew, all of which are prevalent.

21 "Lockup inmates must spend their  
22 days and nights confined in the midst of  
23 deplorable filth. They are fed in their  
24 cells but are given no wastebaskets or  
25 other containers in which to store refuse.  
26 They are expressly instructed to throw  
27 all rubbish out into the tiers or floors  
28



1 in front of their cells. Such floors are  
2 not regularly mopped and are encrusted  
3 with the remnants of years of deposited  
4 waste matter.

5 "Cells are not always cleaned bet-  
6 ween even occupancies, and inmates often  
7 cannot obtain necessary cleaning materials,  
8 such as soap or brushes.

9 "A variety of pests, including cock-  
10 roaches and mice, infest the tiers. Folsom  
11 SHU II tiers --"

12 SHU is the Security Housing Unit, Roman Numeral II tiers,  
13 "-- are infested with cockroaches and mice.  
14 Birds fly in and out of unscreened windows.  
15 All these infestations pose a serious danger  
16 to the health of inmates.

17 "Despite strong recommendations from  
18 state sanitarians, neither prison has even  
19 one full-time employee assigned the task  
20 of alleviating the enormous pest problems."

21 After the Court describes the horrendous situation at  
22 San Quentin in the kitchen, where Officer Novey works, the Court  
23 then finds the following, and I again quote:

24 "Bad as San Quentin conditions are,  
25 conditions in the kitchen facility at  
26 Folsom are, in the words of an expert who  
27 inspected both kitchens, incredibly worse.  
28

1           Among his uncontradicted observations were:  
2           an active infestation of rats; an active  
3           infestation of both roaches and flies; pools  
4           of standing water in the kitchen; inadequate  
5           ventilation resulting in heavy deposits of  
6           grease and grime on exposed surfaces; con-  
7           densation dripping into food; exposed elec-  
8           trical wires; unsanitary, unclean food con-  
9           tact surfaces; dried food residues on food  
10          preparation equipment.

11                 "An inmate testified that while working  
12           in the Folsom kitchen, he was sometimes in-  
13           structed to use cheese or meat in sandwiches  
14           even though it was spoiled.

15                 "Defendants admit that a substantial  
16           number of segregated inmates do not receive  
17           the exercise which their rules require.  
18           None exercise daily. Exercise is commonly  
19           curtailed or eliminated for periods of time.  
20           Some inmates endure periods of weeks or even  
21           months with no out of cell exercise whatever."

22   By the way, the cells are six by nine feet, and it is these cells  
23   into which men were double-celled prior to the Court order at  
24   Folsom Prison.

25                 "Lockup units at Folsom are counted  
26           among the most violence wracked --"  
27  
28

1 CHAIRMAN ROBERTI: On the double-celling issue, let me  
2 ask you this question: If inmates are sent to Folsom in certain  
3 numbers, what options are there available?

4 MR. WOLINSKY: There are an enormous number of options  
5 available. The picture that was painted -- for example, there is  
6 no excuse for an absence of programs. It's simply an allocation  
7 of --

8 CHAIRMAN ROBERTI: An absence of what?

9 MR. WOLINSKY: Programs for inmates.

10 CHAIRMAN ROBERTI: I understand that. I'm talking  
11 specifically on --

12 MR. WOLINSKY: Oh, the double-celling.

13 CHAIRMAN ROBERTI: What options are available to the  
14 authorities at the prison?

15 MR. WOLINSKY: If I may defer that for just a few  
16 minutes. Ms. Arriola will respond with some of the things.

17 I might simply say at this point that the argument that  
18 they had no options is a total answer to a contempt proceeding.  
19 If you can't do it, if you can't comply, that's an answer. So,  
20 all those arguments which were presented by the prison officials  
21 at Folsom to the federal district judge who found that that was  
22 nonsense, but Ms. Arriola will go through the options that were  
23 available.

24 "Lockup units at Folsom are counted  
25 among the most violence-wracked correctional  
26 facilities in the United States. In part  
27 it is caused by horrendous physical con-  
28

1                   ditions, including double-celling. In  
2                   part it may be due to the fact that lockup  
3                   units have no programs."

4 Programs are work programs, rehabilitation, education. There are  
5 no programs, none, for men in lockup at Folsom Prison.

6                   I'm not going to go through all of this. Let me just  
7 read just a few more, and the Court's decision runs to hundreds  
8 of findings.

9                   CHAIRMAN ROBERTI: Senator Craven.

10                  SENATOR CRAVEN: Mr. Chairman, I think Mr. Wolinsky has  
11 certainly established the point of the Court in his recitation;  
12 although, I don't know that what he has said necessarily relates  
13 to the action as requested by the Court, namely compliance.

14                  MR. WOLINSKY: It relates directly.

15                  SENATOR CRAVEN: You told us why compliance should be  
16 made. But what we're interested in is, presumably, the failure  
17 of those in authority to take the steps necessary to comply with  
18 the order of the Court.

19                  I'm willing to stipulate all of the things that you've  
20 said. That to me, we knew that before we started. I mean, it  
21 sounds like the Chateau d'If.

22                  MR. WOLINSKY: I think there may be some confusion.  
23 There are two separate sets of proceedings and findings by the  
24 Court. This is the first, which is a finding, this past year,  
25 that the conditions -- that the failure of the Defendants, who  
26 include the administration at Folsom Prison as well the  
27 Department of Corrections, the failure of the Defendants to deal  
28



1 with these conditions falls to such a low level as to constitute  
2 cruel and unusual punishment within the meaning of the Eighth  
3 Amendment. And they're ordered to deal with that, even though  
4 they could have dealt with it all this time and never did.

5 There is a second order, which is the one that Ms.  
6 Arriola is going to respond to, which is that the Court issued a  
7 preliminary injunction to end double-celling, and then the  
8 Defendants, which in this case did include Mr. Campoy and the  
9 former warden, the Defendants failed to comply with the Court's  
10 order to end double-celling.

11 There was also a third incident which has to do with the  
12 Plaintiffs' allegations that the Defendants at Folsom Prison set  
13 up inmates, certain inmates, to be stabbed.

14 I am dealing with the Findings of the Court that the  
15 conditions at Folsom Prison, for which the named Defendants are  
16 responsible, constitute or, in the words of the Court, are so  
17 barbaric that they constitute cruel and unusual punishment.

18 I'm just going to do one or two more of these to give  
19 you the flavor of some other aspects of it, which have nothing to  
20 do with the physical conditions. That is that the Court also  
21 found that the Defendants had failed to comply with dealing with  
22 the way in which men are confined to Solitary Confinement or to  
23 Security Housing Units. And the Findings of the Court were that:

24 "The actions of the Defendants  
25 were wholly arbitrary in the manner  
26 in which men were placed in such  
27 segregated confinement."  
28



1 Finally the Court finds the following:

2 "The wisdom of Defendants'  
3 present policy of confining all  
4 inmates in their cells around the  
5 clock with no program of organized  
6 activity of any kind to occupy their  
7 time and attention is dubious at  
8 best. Such confinement increases  
9 the overall tension and promotes  
10 the very antisocial tendencies that  
11 segregation is supposed to control."

12 Now, before -- and the final finding of the Court is:

13 "If any facet of this case  
14 is more shocking than the physical  
15 conditions to which Plaintiffs are  
16 subjected, it is the absolute capri-  
17 tiousness with which inmates are  
18 selected to suffer the grievous fate  
19 of assignment to Segregation."

20 I'd be happy to elaborate on that if the Panel would  
21 like.

22 None of these conditions have been corrected to the  
23 point yet of complying with the Court order.

24 I want to add just one final thing of which I think the  
25 Panel should be aware that indicates to us the attitude, the  
26 atmosphere at Folsom Prison among the correctional staff that  
27 exists now in their attitude towards law and order.  
28

1 I have with me an editorial from the pages of the Peace  
2 Keeper magazine, the official publication of the California  
3 Correctional Peace Officers Association, which testified today.  
4 If I may submit it, it's entitled, "Mr. Magoo Strikes Again".  
5 "Mr. Magoo" was the sitting federal district court judge in this  
6 case. And the Correctional Officers Association, to a finding, a  
7 constitutional finding of the federal district court, after a  
8 litigated case, is that the judge is an idiot. The statement  
9 Here is:

10 "Judge Magoo brings to mind an  
11 idiot who wouldn't listen to  
12 facts. They call him the Mad  
13 Hatter from Alice in Wonderland.  
14 The only one he is helping by  
15 his latest decree is the vermin  
16 that prey on the majority of  
17 the inmates."

18 You can read the article for yourselves.

19 I can only say that in 23 years of litigation, I've been  
20 a litigator in my past life for a Beverly Hills law firm, and  
21 then litigated quite a number of major class actions, I have  
22 never encountered a more law defying group of people who refuse  
23 to obey court orders or have respect for court orders than the  
24 staff and administration at Folsom Prison.

25 Ms. Arriola will talk about the contempt proceeding.

26 CHAIRMAN ROBERTI: Senator Presley.

27 SENATOR PRESLEY: Sir, was this Federal Judge Weigel?  
28

1 MR. WOLINSKY: Judge Weigel, Stanley Weigel.

2 SENATOR PRESLEY: Did he ever visit Folsom?

3 MR. WOLINSKY: I know that he paid a visit to San  
4 Quentin. I'm not certain whether he visited Folsom. There were  
5 a number of experts who repeatedly toured Folsom Prison, and I do  
6 not know whether he was with them on any of those.

7 I also have, if the Panel would like to look at them,  
8 just a few of hundreds of photographs that quite visually depict  
9 the situation at Folsom Prison.

10 SENATOR PRESLEY: I know it's a common practice, though  
11 I think, and you being a lawyer would know this, where very  
12 complicated cases, very important cases, where judges and juries  
13 actually visit the scene and see for themselves. And I just  
14 wondered if he had done that in this case, because I guess he  
15 wrote that, a very strong indictment of Folsom Prison system and  
16 the way it's being responded to or not being responded to.

17 I'd be surprised, frankly, if he didn't visit Folsom  
18 Prison. I've been in every prison in this state, not for fun but  
19 to try to see what they're like.

20 I'll just tell you, running at 150 percent of capacity  
21 when you're talking about serious felony offenders that don't  
22 want to be there, and gangs, and people like this that would like  
23 to get at each other, I don't know if anybody understands the  
24 enormity of that job.

25 I think if you took a hotel, a Holiday Inn hotel, and  
26 filled that thing to 150 percent of capacity of free people,  
27 you'd have horrendous problems on your hands, and you'd probably  
28 have a lot of sanitation problems.

1 I'm not defending it. I'm just telling you that it's a  
2 very difficult thing, and I'm not sure that we who don't work  
3 there everyday truly understand.

4 MR. WOLINSKY: I think those are apt comments. I can  
5 only say that we had nationally known expert after expert, who  
6 were not theoretical experts, but persons themselves who are  
7 penologists, many of whom had run institutions, and who had been  
8 in hundreds of institutions around the country who repeatedly  
9 said to us and testified to the Court that they were shocked at  
10 the conditions at San Quentin and Folsom Prison, and that the  
11 attitude of administration in those prisons was 10 to 20 years  
12 outdated. And that, if I may say so generally, the condition at  
13 San Quentin and Folsom, which has the same problems as other  
14 major institutions -- for example, the Texas system is grossly  
15 overcrowded, the Washington system is grossly overcrowded, the  
16 problem of prison gangs is not unique to California. But they  
17 have work programs; they have rehabilitation programs; they have  
18 minimal educational programs which solve the problem instead of  
19 what's being done at Folsom Prison, which is to essentially treat  
20 human beings as animals. And that's counterproductive, and  
21 that's the basis on which the Court found that what's taking  
22 place at Folsom Prison is one that's contributing to the  
23 problems.

24 MS. ARRIOLA: Before I begin with the contempt  
25 proceeding and what happened at those proceedings, I just would  
26 like to add that I recently visited Folsom Prison on February  
27 4th, as I have several times over the last year, and I would just  
28



1 like to add to Mr. Wolinsky's comment and to the descriptions  
2 that were contained in the order that nothing has changed insofar  
3 as there is still a large rat, mice and vermin infestation  
4 present throughout the kitchen areas, throughout the pipe chases,  
5 and there's still several problems concerning sewage water  
6 treatment plants, and just various parts of the physical plant of  
7 the facility.

8           Addressing myself now to the contempt proceedings, in  
9 November of 1983, we conducted a trial against -- involving  
10 conditions of segregation at Folsom and San Quentin Prisons. In  
11 the course of that trial, we discovered that Folsom was not in  
12 compliance with the Court's preliminary injunction ending double-  
13 celling at that prison.

14           In August of 1983, the date that the injunction became  
15 applicable to that prison, there were approximately 188 inmates  
16 who were double-celled.

17           By November of 1983, at the time that we began the trial  
18 in Judge Weigel's courtroom, that number had actually increased  
19 from 188 to 220.

20           Contrary to some of the statements that have been made  
21 today, there were several alternatives available to the  
22 Defendants, particularly to Mr. Morris and Mr. Campoy, to  
23 accomplish the single celling process.

24           The first and the most obvious was that there was a  
25 specific provision of the preliminary injunction that allowed for  
26 any of the wardens or superintendents of the prisons to declare  
27 that there was an emergency at the prison, and as such to  
28



1 maintain the double-celling of inmates. They could apply to the  
2 Court and declare that there was an emergency if they deemed that  
3 such an emergency existed.

4 Secondly, they could have transferred SHU inmates to  
5 other SHU single cells at San Quentin. They could also have  
6 transferred SHU inmates to vacant general population beds  
7 distributed throughout Folsom. They could have increased the  
8 number of SHU cells at Folsom by transferring general population  
9 inmates to other institutions and creating another SHU Unit.  
10 They could have halted the transfer of inmates to Folsom from  
11 Reception and other institutions. They could have had inmates  
12 already approved for transfer to other institutions moved  
13 immediately.

14 Finally, they could have immediately transferred inmates  
15 who were housed at Folsom but on route to another institution so  
16 that beds they occupied could be used for transferred SHU  
17 inmates.

18 In other words, they had at the very least, eight  
19 options or alternatives to accomplish the double-celling process.

20 I think it's important to note what the Court held in  
21 this regard. In order to find or to adjudge persons guilty of  
22 civil contempt, you must show that these persons acted with all  
23 reasonable dispatch in trying to accomplish complying with the  
24 Court's order. And the Court specifically found that these  
25 Defendants did not. In fact, the Court held that the undisputed  
26 length of the delay is sufficient in itself to establish that  
27 Respondents Morris and Campoy and others in the California  
28 Department of Corrections did not act with reasonable dispatch.

1 Further, the Court held that the Defendants by their own  
2 admissions failed to take any measures between August and  
3 November to end double-celling, and that the only measure that  
4 they took was an acceleration of the normal process of reviewing  
5 files of segregated inmates to determine whether the inmates met  
6 the standards for continued retention in Segregation.

7 The contempt action was brought to two grounds: first,  
8 that the Defendants violated the preliminary injunction by  
9 failing to end double-celling; the second ground was that a  
10 stabbing incident occurred in November in the course of our  
11 trial. One of our co-counsels was contacted by two persons: Lew  
12 Fudge, a former member of the Department of Corrections, and  
13 Denise Sanfeld, a correctional officer at Folsom Prison. They  
14 informed our co-counsel that these stabbing incidents had  
15 occurred at Folsom, and they both felt the stabbing incidents had  
16 been set up by persons at Folsom Prison.

17 I'm going to backtrack now to give you a little history  
18 of what happened.

19 In September of 1983, a stabbing incident occurred at  
20 Folsom where a Black inmate was stabbed by a Hispanic inmate. As  
21 a result of that stabbing, in October of that year Warden Morris  
22 created what is known as a Restricted Housing Unit, RHU, in  
23 Building I, Section A of Folsom Prison.

24 Essentially the Restricted Unit consisted of two tiers.  
25 Tier IV, which was essentially Hispanic inmates and inmates who  
26 were associated with the prison gang known as the Mexican Mafia;  
27 Tier V consisted of primarily Black inmates who were suspected of

1 being associated or affiliated with the prison gang known as the  
2 Black Guerrilla Family.

3 As a result of the court proceedings and as a result of  
4 the testimony elicited at the trial that Folsom Prison was not in  
5 compliance with the preliminary injunction, the Court admonished  
6 the Defendants and warned them to comply with the Court order  
7 immediately or face a threat of contempt.

8 We subsequently discovered that on November 11th, Warden  
9 Morris met with Mr. Campoy to discuss dedouble-celling at Folsom  
10 Prison. He then left town and was gone for several days. That  
11 essentially left Mr. Campoy as acting Warden of Folsom Prison.

12 On November 14th, which was a Monday, Mr. Campoy met  
13 with prison staff and directed that, one, substantial number of  
14 SHU inmates be released; two, that a deadline of that Friday,  
15 November 18th, would be the deadline by which all SHU inmate  
16 releases had to occur in order to comply with the Court's  
17 injunction; fourth (sic), there was a screening procedure used  
18 instead of the ordinary classification hearings for inmates, and  
19 this screening procedure essentially obviated the normal ten days  
20 of classification hearings for inmates to be released, and  
21 instead had a procedure where inmates were released upon 15 to 20  
22 minutes of reviewing an inmate's files; and finally, fourth, Mr.  
23 Campoy directed the release of approximately 80 SHU inmates.

24 On November 15th, the transfer of these inmates took  
25 effect. Inmates were transferred from the RHU to the mainline in  
26 Folsom and from the SHU Units to the RHU.



1           The testimony at the contempt proceeding established  
2 that these transfers of inmates were unprecedented, both in terms  
3 of the number of inmates and in the amount of time that they were  
4 released. There had never been such a large movement of  
5 dangerous inmates at Folsom Prison before.

6           On November 16th, and immediately prior to the stabbing  
7 incident that occurred on the next morning, on November 17th, the  
8 composition of the tiers in the Restricted Housing Unit appeared  
9 like this. On Tier IV, this is a color-coded chart of Tiers IV  
10 and V as they existed the evening of November 16th.

11           On Tier IV, which was primarily Black, five cells  
12 contained Hispanic inmates, and these Hispanic inmates were  
13 thought to be members of the Mexican Mafia. It is well known  
14 throughout the prison system that there exists extreme animosity  
15 and hostility between the two prison gangs, the Black Guerrilla  
16 Family and the Mexican Mafia.

17           Tier V, which consisted primarily of Hispanic inmates,  
18 had been filled with four cells of members of the Black Guerrilla  
19 Family, or people suspected of being members of the Black  
20 Guerrilla Family.

21           That evening, that is the evening of November 16th, the  
22 RHU was converted to a general population unit on the order of  
23 Mr. Campoy, which essentially meant that these inmates were free  
24 to dine in the mess hall together, and they were free to mingle  
25 as they had not done before.

26           I think it's important to note that prior to this, the  
27 Restricted Housing Unit inmates had been locked down; that is,  
28

1 they had not been able to get out of their cells from September  
2 until November, when on November 16th, it was converted to a  
3 general population unit.

4 On November 17th, at 7:30 a.m., the inmates were  
5 released from the Restricted Housing Unit, including all of the  
6 Hispanic and the Black inmates, and were released to the dining  
7 hall where they ate breakfast. As they returned from breakfast,  
8 on the second tier of that unit several Blacks assaulted a  
9 Hispanic inmate. That later turned out to be a diversion on that  
10 second tier.

11 As the correctional officers on the fourth and the fifth  
12 tiers responded on the diversion on the second tier, the  
13 correctional officers left the locking device unattended on Tier  
14 IV. Consequently, the Black inmates, who comprised approximately  
15 23 of those cells at that point, rushed into the cells occupied  
16 by the Hispanic inmates and stabbed three of those inmates.  
17 Stabbing attempts were made on two other Hispanic inmates.

18 We brought the contempt action against Mr. Campoy, Mr.  
19 Morris, who was then the Warden of Folsom Prison, and two other  
20 prison officials at Folsom Prison because we basically believed  
21 that these Respondents had deliberately intended to set up the  
22 inmates and to place them in a life-threatening situation.

23 CHAIRMAN ROBERTI: Why did you feel that way?

24 MS. ARRIOLA: Well, we received information from  
25 correctional officers. We conducted approximately 30 depositions  
26 of correctional officers and inmates in which it was discovered  
27 that several things -- several precautionary measures which might  
28



1 have been taken at that point simply were not taken. Mr. Campoy  
2 himself admitted at the trial and in his deposition that on the  
3 evening of November 16th, everyone -- correctional officers as  
4 well as inmates -- had noticed that there was an increasing level  
5 of tension within the institution as result of these transfers.

6 I think it was admitted at trial that ordinarily any  
7 transfer of inmates would allow in some increase in tension, but  
8 this was an unprecedented, large number of dangerous inmates  
9 being released back and forth between the SHU Unit and the  
10 Restricted Housing Unit.

11 MR. WOLINSKY: Also, it was inconceivable to us that,  
12 given what prison officials know about prison gangs, that they  
13 would take an all-Black tier, empty three cells, fill them with  
14 Latino inmates, then allow them to mingle together and not  
15 totally predict the results.

16 CHAIRMAN ROBERTI: The three that were empty, there were  
17 only three and they were filled with --

18 MS. ARRIOLA: There were five cells here that were  
19 filled with Hispanic inmates, five out of thirty.

20 CHAIRMAN ROBERTI: But Mr. Wolinsky sort of indicated  
21 that it was three of those five were filled on the day or the day  
22 before of the stabbings.

23 MS. ARRIOLA: No, all five were filled.

24 CHAIRMAN ROBERTI: On the day before the stabbings?

25 MS. ARRIOLA: On the day before the stabbings.

26 CHAIRMAN ROBERTI: How about the cells occupied by  
27 Blacks? Had they been occupied been occupied for some time?

28

1 MS. ARRIOLA: Yes, this shows prior to this, prior to  
2 the incident, this entire tier was Black, and the entire tier was  
3 Hispanic. The color code shows that the black stands for Black  
4 inmates, and the red stands for the Hispanic inmates.

5 Prior to this incident, the entire Restricted Housing  
6 Unit had been segregated racially because of that stabbing  
7 incident that occurred in September. They wanted to segregate  
8 the inmates that they believed could be potentially disruptive of  
9 racial violence and who might be considered suspects in that  
10 September incident. They wanted to segregate them and make sure  
11 that they did not cause any disruption or violence among other  
12 prison inmates.

13 MR. WOLINSKY: I thought that that was not clear. The  
14 placement of the Latinos on the previously all-Black tier, and  
15 the Blacks on the previously non-Black tier was done on the two  
16 days before they were thrown open to mingle with each other.

17 CHAIRMAN ROBERTI: You indicated that you thought that  
18 was intentional? Besides your argument that that was highly  
19 negligent, was there any --

20 MR. WOLINSKY: It's like running a truck full of  
21 dynamite at 60 miles an hour down a main street. You have to  
22 know what is going to happen in a situation like this, coupled  
23 with the fact that it was a guard, a correctional officer, who  
24 originally called us to say that it was her belief that it was  
25 set up.

26 MS. ARRIOLA: I might add parenthetically that as a  
27 result of her courage in coming forward to give us this  
28

1 information, she has been ostracized by persons at Folsom Prison.  
2 She has had several death threats against her life. As a result  
3 of her testifying at the trial, her name appeared in a newspaper  
4 article which was posted at Folsom Prison on one of the  
5 blackboards with her name highlighted in yellow.

6 MR. WOLINSKY: I think it's fair, it would be only fair,  
7 to say that we can, as lawyers, cannot say that we know whether  
8 Mr. Campoy did this or not. That's not the reason why we're  
9 telling you about this.

10 What we do know is that this was at a minimum a grossly  
11 negligent act in terms of prison administration.

12 SENATOR PETRIS: What is the current status? Has the  
13 contempt order been lifted? Has that been purged? Are we close  
14 to it?

15 I understand there have been some further meetings, and  
16 the situation is improving there.

17 MR. WOLINSKY: Well, yes --

18 SENATOR PETRIS: There's been testimony that they're in  
19 compliance.

20 MR. WOLINSKY: I must say that the statement by Mr.  
21 McCarthy that at the second contempt hearing we worked out our  
22 differences is a little misleading. We worked out our  
23 differences by the Defendants giving up and agreeing to the entry  
24 of a court order, which will end, will effectuate itself by  
25 eventually ending the double-celling problem.

26 The answer is that the double-celling problem, after the  
27 utmost kind of pressure from the Court, i.e. a finding of  
28



1 contempt and a fine on Mr. Campoy and Mr. Morris individually per  
2 day if they do not end double-celling, that after that kind of  
3 pressure, the double-celling issue was going to come to an end.

4 The issue of the mismanagement of the prison, the  
5 horrible conditions of the prison and the treatment of the men  
6 has not ended, and we've not gone very far toward ending it.

7 SENATOR PETRIS: Thank you.

8 CHAIRMAN ROBERTI: We'll continue with our opponent  
9 witnesses.

10 SENATOR PETRIS: May I say, Mr. Chairman, in other types  
11 of hearings of other agencies, we have encountered a problem of  
12 the fear that is perfectly understandable. Most employees are  
13 not going to speak out. Nobody wants to rock the boat.

14 It's very difficult for an employee to come forward and  
15 publicly complain about conditions which are laid by that witness  
16 at the doorstep of senior officers and superiors in the  
17 structure.

18 On prior occasions we've made a statement, and I want to  
19 repeat it, that's directed to the Department, and I'm sure Mr.  
20 Campoy would agree that we simply will not tolerate in the  
21 Legislature any form of retaliation against any employees who may  
22 come forward with statements which may be unpopular with the  
23 administration. The attorneys, of course, are not employees, and  
24 they were called by us, but maybe their clients who might still  
25 be inmates at Folsom.

26 And if there's any retaliation or threat of retaliation  
27 against anyone, I personally want to be informed, and I know the  
28 Committee wants to be informed.

1           We've had that problem in other areas that aren't nearly  
2 as explosive, just ordinary, bureaucratic offices somewhere or  
3 other. But human nature being what it is, you're bound to get a  
4 certain amount of this, and it's understandable.

5           But I want those that are here who are in that category  
6 to feel free to let us know. And I want the administration to  
7 caution their subordinates.

8           I notice that one of the orders in the trial was an  
9 order prohibiting retaliatory action. I don't know whether that  
10 had anything to do in the contempt, but it was in the prior  
11 order.

12           CHAIRMAN ROBERTI: Thank you, Senator. I concur,  
13 re-echo your comments.

14           Senator Mello.

15           SENATOR MELLO: Mr. Chairman, I wonder if I could  
16 apologize for leaving the room. I thought Senator Petris had  
17 some additional questions.

18           I wonder if I could ask a question of Ms. Arriola before  
19 we start the next series of witnesses.

20           CHAIRMAN ROBERTI: Yes, Ms. Arriola, would you please  
21 come forward.

22           SENATOR MELLO: I'm sorry that I stepped out.

23           The question that I did want to ask, you mentioned these  
24 eight alternatives or more to the lockup that were available, and  
25 several of them had to do with moving out some of these inmates  
26 to other institutions around the state.

27

28



1           My question is: Is Soledad one of these institutions  
2 that you would recommend moving inmates to?

3           MS. ARRIOLA: Well, Soledad as well as many of the other  
4 prisons. There were, for instance, some persons who were in the  
5 psychiatric care who might have been transferred to Vacaville;  
6 there were other prisons such as DVI, Duel Vocational  
7 Institution, to San Quentin. Several other institutions could  
8 have maintained some of the inmates who could have been  
9 transferred from Folsom.

10           SENATOR MELLO: Including Soledad?

11           MS. ARRIOLA: Yes.

12           SENATOR MELLO: Let me call to your attention that  
13 Soledad where I live close by. It's running 200 percent right  
14 now over its designed capacity. It serves box lunches for meals  
15 because it's so overcrowded it can't handle those in their  
16 regular dining room. The box lunches are working quite well,  
17 incidentally.

18           I wanted to make sure for the record that I'm  
19 questioning these alternatives you've mentioned as not being  
20 feasible. Our whole penal system's 150 percent overcrowded, and  
21 I think it's easy to say: Let's move them somewhere else. But  
22 in each case, we can go to San Quentin and others and find the  
23 situation that we have at Folsom.

24           MS. ARRIOLA: I understand your concern, and I do  
25 understand your point. It's a valid point, except that these  
26 alternatives were not even explored by the prison officials. At  
27 the very least, they could have explored going to these prisons  
28 and asking what their bed capacities were.

1           It was admitted at trial that the only course of action  
2 that they took was to accelerate the review process for  
3 determining whether SHU inmates could be released. But there was  
4 no evidence that they tried to contact other prisons. There was  
5 no evidence that any of the other prisons had returned back with  
6 information that they either had or did not have capacity for  
7 these other inmates to be transferred.

8           SENATOR MELLO: I just wanted to clarify your statement.

9           One other point if I could, and I think Mr. Wolinsky  
10 alluded to this: In mentioning all of these problems, which I  
11 agree are bad and very serious, you were reading from the Court  
12 Findings.

13           Bearing in mind that Folsom is 104-year old facility,  
14 did the Court find that Mr. Campoy is responsible for all of  
15 these findings that the Court made in their order?

16           MR. WOLINSKY: Well, no, that is not a specific finding  
17 of the Court. That is, Mr. Campoy --

18                           (Applause from audience.)

19           MR. WOLINSKY: -- Mr. Campoy and Mr. Morris, to the  
20 extent that you find that they're responsible for the management  
21 of that prison, then they are responsible for it. But the  
22 litigated issues are: what is the situation at Folsom Prison;  
23 what are the conditions at Folsom Prison; how are people treated  
24 at Folsom Prison? Those are the findings of the Court.

25           SENATOR MELLO: I think you mentioned about the rodents.  
26 You don't need a new or old facility to take care of insects and  
27 rodents, things like that. But as far as the general plant, it's  
28

1 amazing this facility is still standing and functioning, and no  
2 doubt it's going to need massive input of state funding if we do  
3 decide to continue.

4 This is not my field. Senator Presley is more aware of  
5 this.

6 But in hearing all of those Court findings, we are  
7 hearing his confirmation here today. I was trying to relate how  
8 it relates really to his responsibilities or not.

9 MR. WOLINSKY: Well, I was giving you the  
10 Reader's Digest version of those findings. The findings find  
11 that there are enormous number of those things that need not take  
12 place without respect to the physical conditions at Folsom  
13 Prison.

14 That is, the total -- the attitude of locking up  
15 unprecedented numbers of men. The testimony was that California,  
16 in San Quentin and Folsom, has more men in lockup units relative  
17 to the prison population than almost any prison system in the  
18 country, federal or state. And the philosophy of locking up  
19 those men for an average of 23½ hours a day, without providing  
20 any programs, and for long periods of time based on suspicion of  
21 gang membership is what has created the problem.

22 That is, the Court order does not go to ending double-  
23 celling in general population. It goes to ending double-celling  
24 in the lockup unit in a situation where men literally go crazy,  
25 as the testimony of psychiatrist after psychiatrist testified,  
26 because of the attitude of prison officials of giving them  
27 nothing to do, totally enforced idleness; no way of working their  
28



1 way out, and doing it on an arbitrary basis that -- with sanitary  
2 conditions such as the condition of the kitchen.

3 I would invite you to, for example, to contrast the  
4 kitchen at Folsom Prison with the condition at Duel Vocational  
5 Institute, or even the condition of the kitchen at San Quentin,  
6 which is terrible, and Folsom is much worse, in spite of the fact  
7 that their physical plant is better.

8 SENATOR MELLO: Thank you.

9 SENATOR PETRIS: One question directed to either  
10 attorney.

11 I used to handle a lot of contempt citation hearings in  
12 the civil proceedings. I haven't done it for many years.

13 It used to be that the best defense, or one of the  
14 defenses that would purge you from a contempt charge is that what  
15 the Court has ordered simply can't be done.

16 Is that still a defense?

17 MR. WOLINSKY: It's still a defense.

18 We were laughing, because in some respects the testimony  
19 that has been submitted indicates: Oh, well, we did the best we  
20 could, but what could we do; we were found in contempt.

21 Contempt, as any attorney knows, is the hardest -- I  
22 can't think of anything that is more difficult to obtain, other  
23 than a major criminal conviction, and there a lot of the  
24 difficulty is not as great.

25 This is a highly unusual finding, that these particular  
26 Defendants were in contempt. And you're absolutely correct. It  
27 is a major defense to contempt, which Defendants advanced and  
28

1 presented, was that: Well, we had no choice. The phrase is  
2 impossibility; that is, the inability to comply is always a  
3 defense.

4 The Defendants raised that defense, and the Judge found  
5 that it was nonsense.

6 SENATOR DOOLITTLE: There is the possibility that the  
7 Judge could be unreasonable. We have had judges in the history  
8 of this country who have been deemed to be such.

9 I raise that as a possibility. I feel like we're trying  
10 to sit, Mr. Chairman, as some kind of a court of law. I mean, we  
11 don't have any good handle on what the common practice is in  
12 other prison systems. We have no basis for comparison really.  
13 We hear all these things.

14 This is an aspect of humanity that most of us have never  
15 even dealt with or seen as to what goes on in prisons. I still  
16 haven't been to all of them like Senator Presley has, but I've  
17 been to three, and I've been to Folsom.

18 I'll admit it's been two or three years, but hearing the  
19 description of Folsom that I've heard is totally inconsistent  
20 with what I saw when I was there. So, unless things have  
21 worsened dramatically in that time, why, I just listen to all of  
22 this and wonder what are we trying to accomplish here?

23 It is a confirmation hearing. Are we going to open it  
24 up and be a general investigatory committee for the whole  
25 Department of Corrections?

26 (Applause from audience.)  
27  
28



1           SENATOR DOOLITTLE: Personally, I believe that it's a  
2 very complex issue, but I just feel like we're trying to decide  
3 this in a vacuum. We're getting one point of view. We haven't  
4 heard from the Respondents.

5           But the Members of this Committee do not have general  
6 knowledge of how prison systems are supposed to be operated.

7           I feel somewhat at a loss as to where we go from here.  
8 Mr. Campoy, after all, is the subject of this hearing, and I  
9 think we're drifting rather far afield.

10          CHAIRMAN ROBERTI: Thank you, Senator.

11          I do think the points that are being raised are  
12 relevant. The confirmation hearing of a Warden is something that  
13 we take very seriously and have to make a very serious and  
14 judicious judgment on it. So, dealing with conditions at the  
15 prison where he was an officer, I think, are relevant to whether  
16 he should be promoted to be the chief officer there. So, I think  
17 this testimony is important, and I think we should hear it.

18          And I agree with you, it's very much in my mind that  
19 we're laymen making a judgment as to the conduct of prisons. We  
20 do not have that much dealing with prison populations, but I  
21 might go to the first witnesses that spoke: We all, quite  
22 frankly, understand how we should treat people who are law  
23 abiding, and I might add women who are law abiding; that is not a  
24 foreign element to any of us.

25          Their treatment at the prison, in my mind, is very  
26 serious business, and I'm not going to say that it's something  
27 which I, as a layman, just have no business involving myself in.  
28

1 It's very serious business to me, and I haven't made a judgment  
2 by a mile as to what I'm going to do, but I think we have a duty  
3 to look into it.

4 Senator Petris.

5 SENATOR PETRIS: A short rebuttal.

6 CHAIRMAN ROBERTI: You get a short rebuttal, and Ms.  
7 Arriola and Mr. Wolinsky are excused. Thank you very much.

8 Then we'll go to the other witnesses after our recess,  
9 and then we will hear from Mr. Campoy.

10 Senator Petris.

11 SENATOR PETRIS: To make it very brief, your comment  
12 regarding the Judge might be unreasonable, I think that cartoon  
13 in the article that was given to us referring to him as an idiot  
14 and Mr. Magoo is deplorable.

15 I happen to know Judge Weigel. I've appeared before him  
16 on more than one case. One of them was strung out over a period  
17 of a month, in which I appeared several times with a half a dozen  
18 other law firms on both sides.

19 He's an extremely competent judge. He's a keen scholar,  
20 and he makes you prove your case. You don't just walk in and ask  
21 him for a judgment.

22 I just want to make that clear from my own personal  
23 experience.

24 CHAIRMAN ROBERTI: Thank you, Senator.

25 Now we're going to recess for five minutes, and then we  
26 will here the concluding opposition witnesses, and then we'll  
27 hear Mr. Campoy's rebuttal.  
28

1 (Thereupon a brief recess was taken.)

2 CHAIRMAN ROBERTI: The meeting will reconvene.

3 We will now here from further opposition witnesses, and  
4 we'll start one, two, three, four, five, six. The young woman  
5 who's reading the paper, if you would start.

6 Indicate your name and who you represent, if it's an  
7 organization other than yourself.

8 MS. HICKS: All right.

9 My name is Carolyn Hicks. I am a concerned citizen,  
10 also a wife of a prisoner at Folsom Prison.

11 I have assisted with the services which are provided by  
12 the Catholic Workers for the Wives, loved ones and family members  
13 of prisoners at Folsom. And my experiences and my exposure as a  
14 volunteer worker has made me aware of the abysmal living  
15 conditions in Folsom.

16 Being that Mr. Campoy has been a Deputy Warden for  
17 several years and Acting Warden for a year, I hold him  
18 responsible for the gross conditions of confinement, and for this  
19 I oppose his confirmation today.

20 Most of my testimony has already been spoken on, so I  
21 don't want to be repetitive about it. But I'm really concerned  
22 mainly about the birds and bats that fly around in the mess hall.  
23 While in flight the birds defecate --

24 CHAIRMAN ROBERTI: Birds and bats?

25 MS. HICKS: Yes, birds and bats, and their intestinal  
26 wastes can be found on the dining tables and the seats. And  
27 common flies buzz around the mess hall.

1           And how the plumbing system is defective. I've known  
2 from my husband that many a times the system will clog up and  
3 back up, then run all over the cells. And it takes a long period  
4 of time before any of these things are corrected.

5           And the faulty electrical wiring and light fixtures are  
6 within each cell, burned out electrical outlets and poorly  
7 installed electrical outlets found in the cell blocks.

8           If an electrical fire should take place, there's no  
9 evacuation plan. And this to me can certainly spell disaster.

10          There's a putrid smell in the cell blocks: rotting  
11 garbage, faulty plumbing, and the products of bodily function of  
12 prisoners living in a despicable, densely packed, closely  
13 confined conditions are the source of the stench. Lack of  
14 working ventilation systems compounds the problem.

15          Since the cells do not have wastebaskets or other  
16 containers, the prisoners throw their garbage out in front of  
17 their cells over the tier. Consequently, the accumulation of  
18 years of encrusted garbage has built up on the floor.

19          Well, I was astounded by the custodial practices the  
20 prisoners are forced to endure. Even though prisoners are  
21 supposed to be issued clean clothes weekly, laundry exchanges are  
22 generally not that frequent, especially during a state of  
23 emergency. For example, the October, 1984 lockup and subsequent  
24 states of emergency has created an atmosphere where some inmates  
25 have been known to go for five weeks without a change of shirts  
26 and jeans, and weeks without a change of underwear and socks.  
27 And when the clothes are exchanged, inmates receive torn and  
28 tattered items that do not fit or cannot be fastened.



1           Since the October, 1984 lockdown, prisoners have been  
2 denied access to daily showers, and they have been known to have  
3 gone for as long as three weeks without the opportunity to bathe.  
4 When allowed to bathe, it's every 21 to 24 days. As of January,  
5 1985, the opportunity to bathe is more like once every 14 to 21  
6 days.

7           Most of this is really repetitious, but in conclusion, I  
8 would like to say the abysmal conditions existing at Folsom State  
9 Prison warrant immediate modifications and the alternative is to  
10 condemn Folsom.

11           CHAIRMAN ROBERTI: Thank you very much.

12           Next witness.

13           MS. SIANEZ: My name is Barbara Sianez. I am here on  
14 behalf of Visitors Assistance Clinic, Prisoners Assistance  
15 Clinic.

16           I am here to oppose the confirmation of Mr. Campoy.

17           I'm a visitor at Folsom. My husband has been an inmate  
18 there for seven years in the general population.

19           Our time together is very precious, and when we are  
20 allowed to visit, the visitors are often treated with contempt  
21 and disrespect and are often harassed.

22           I feel that today there would be many more visitors here  
23 speaking as I am if they were not intimidated.

24           This behavior seems to be encouraged by their superiors.  
25 This is where I hold Mr. Campoy responsible. When you find an  
26 officer that is courteous and helpful, he is often transferred,  
27 he or she, is often transferred elsewhere.

28



1           The attitude surrounding the visitors leaves one with  
2 the question of who is the criminal. Due to the incompetence and  
3 lack of cooperation, the visitor is kept waiting for many hours  
4 before the actual visit begins. Some of the delays are caused by  
5 garbage trucks and other nonemergency vehicles given top priority  
6 over the visitors access to the visiting room.

7           Once in the visiting room, a person can wait again for  
8 another one to three hours before the inmate is either notified  
9 or located. Upon inquiring, many a visitor has been told that  
10 the staff is unable to find the inmate, curious as it may seem in  
11 a maximum security institution, while all along that inmate often  
12 is still remained locked in their cells.

13           Intimidation is common by the ever present threat of  
14 strip searches. I myself personally know what that's like. The  
15 refusal of this demeaning act banishes you from Folsom, whether  
16 the accusation has merit or not. By merely stating they have  
17 reason to believe, the staff is given authorization to search a  
18 person's body cavities. One woman was strip searched two times  
19 before she discovered the reason. When her mother-in-law  
20 inquired, she was told by the visiting sergeant that the searches  
21 were conducted because she had stopped at a nearby convenience  
22 store, which they feel is a popular drug drop.

23           After confronting the visiting lieutenant, he corrected  
24 the situation by promising that it would be removed from her  
25 records, and he sent a letter to her stating that. But when her  
26 husband was transferred to Soledad, right away the first visit  
27 there she discovered that this information was not in fact  
28 removed.

1           Family visiting is another problem both inmates and his  
2 loved ones face. The facilities are run down and neglected. For  
3 example, one unit went without refrigeration for close to three  
4 months. Other units have bare wires on appliances, and dripping  
5 pipes near electrical outlets, and the bedding is unsanitary.

6           This privilege is at the discretion of one officer  
7 assigned to family visiting. She takes advantage of the power  
8 given to her by favoring one inmate over another. Means of  
9 intimidation are used by her also. If you are her favorite, you  
10 will have more frequent family visits.

11           Because of this and much more, I strongly oppose his  
12 confirmation.

13           CHAIRMAN ROBERTI: Thank you very much.

14           Next witness.

15           MR. COMISKEY: My name is Paul Comiskey. I'm the lawyer  
16 for the Prisoners' Union.

17           When I first began to practice law, I set up the prison  
18 law office outside the gates of San Quentin, worked there for a  
19 period of time. I've been counsel to the Prisoners' Union since  
20 1977, and I also ran the Prisoners' Legal Assistance Clinic at  
21 the University of California at Davis for several years, in which  
22 we gave legal assistance to prisoners at Folsom.

23           I was also counsel once upon a time on the Toussaint  
24 case, which the attorneys were here on today.

25           Through my work, I've become familiar with all of the  
26 prisons throughout the State of California, and I can tell you  
27 that I think that Folsom is the absolute worst prison that we  
28

1 have in the State of California. And I think it is an  
2 attitudinal problem that runs from the top to the bottom at  
3 Folsom that creates the atmosphere that we have here.

4 You know, undoubtedly it is true that there are very bad  
5 conditions at Folsom as they are at San Quentin. Fortunately for  
6 San Quentin, being close to the Bay Area, has had a benign  
7 influence on that.

8 Folsom is a cowboy prison. And I've heard from dozens  
9 and dozens and dozens of prisoners that there is just no place  
10 like Folsom Prison. They've told me many, many times that they  
11 have been housed in all of the prisons around the state, and they  
12 never have run into such an attitude on the part of the staff.

13 The problems, the frustrations are many. For example, I  
14 have had clients, one recently about two or three weeks ago, I  
15 asked him on a number of times to file a 602 appeal so I could  
16 file a habeas corpus petition for him. On all three occasions he  
17 would tell me he's locked up in the SHU, that nobody will bring  
18 him one of those petitions, although he's asked for it a number  
19 of times.

20 We get a lot of mail in the Prisoners' Union, and we get  
21 far more mail from Folsom Prison than we get from any other  
22 place. It's an extremely frustrating place to deal with for two  
23 reasons: one is that the bureaucracy is just about broken down  
24 as far as delivery of any kind of services to prisoners; and  
25 secondly, the attitude of the people there is such that they  
26 simply do not care.

27  
28



1           The guards there have formed themselves into kind of  
2 attack squads, and they love to run around in the hills in  
3 camouflage uniforms. They love to write letters to the  
4 Sacramento Bee and Union telling about how bad the convicts are  
5 there. I think you've seen other examples of the attitudes of  
6 the place.

7           Does Mr. Campoy have anything to do with this? Well,  
8 let me give you an example.

9           We, the Prisoners' Union, have had the practice in  
10 recent years of going around to the gates of prisons and handing  
11 out literature to let visitors to the prisons know about hearings  
12 such as this, other legislative matters that are happening in  
13 Sacramento, court cases, things like that.

14           We asked Ms. Rushan, when she was the Director of  
15 Corrections, if we could go to the prisons and do this, and we  
16 asked her to make some rules in the administrative code. She  
17 said: Well, I'm going to ask all of my wardens to be reasonable  
18 with you, and sit down with you, and work out some rules.

19           We wrote a letter to Mr. Campoy, and he wrote a letter  
20 back to me and said: You know, our parking lot is just so full  
21 we don't even have room for you to come there and hand out  
22 leaflets to people. In other words, a very snide and sarcastic  
23 letter, and I think it's indicative of an attitude on his part.

24           We publish a newspaper which all prisoners are entitled  
25 to receive because 2601(b) of the Penal Code says that any  
26 prisoner can receive anything that's placed in the United States  
27 Mail unless it has plans for weapons, or explosives, or other  
28 escape devices.

1           We get dozens and dozens of complaints from prisoners  
2 that our newspaper is not being delivered. I recently wrote a  
3 letter to the mail sergeant at Folsom, and he wrote me back a  
4 letter that said something like: I am not responsible for that  
5 trash.

6           I sent a copy of that letter to Mr. Campoy, and I asked  
7 him if that was his attitude about the matter, and if it were,  
8 that he was going to be sued civilly, that we were going to go  
9 after him for a civil rights violation. I got a letter back from  
10 him saying that this is not my attitude. But since then, some  
11 other mail room sergeant wrote a letter that said: Well, this is  
12 the prisoners' fault; they're doing this. But we still have lots  
13 of troubles getting our newspaper delivered inside Folsom Prison,  
14 although the law clearly says that they're entitled to receive  
15 it.

16           There's been a very excessive use of lockdowns at Folsom  
17 Prison, which I feel has a direct tie in with prison guards who  
18 want to get overtime pay. When you lockdown a prison, everything  
19 inside the prison stops, and the guards do searches of cells, the  
20 prisoners sit in their cells and eat bag lunches.

21           Folsom Prison has been locked down far more than any  
22 other prison in the state, and we have received dozens and dozens  
23 of letters of very frustrated people who cannot get in to visit  
24 their loved ones in these kinds of situations.

25           And I may also add that as an attorney, if you want to  
26 go in and visit your client, you also have difficulties because  
27 of lockdowns, which has been the case.  
28



1           The over reliance on the use of Security Housing is  
2 something that's already been talked about.

3           So basically I don't think -- I think that Mr. Campoy  
4 does have an attitude problem, and I think he shares that with  
5 the rest of the people at Folsom. I think the place is an  
6 insulated prison, and unfortunately a very bad attitude has  
7 developed here on the part of the staff toward both prisoners and  
8 the female officers who testified today. And the place is just  
9 totally lacking in any imagination or creativity.

10           Mr. Campoy has been largely responsible for what has  
11 happened at Folsom Prison over the last eight or nine years.  
12 You've heard testimony from a number of people about the  
13 positions of authority that he's been in, and when Mr. Morris was  
14 the Warden at Folsom, there were periods of time when had  
15 prolonged illnesses, heart attacks and things like that, in which  
16 Mr. Campoy was responsible for running the institution. And he's  
17 been running it for the past year.

18           So, any kinds of questions as to whether he knows that  
19 something's happening -- did he know about this, how can we hold  
20 him responsible for this -- I just don't see how those questions  
21 can have much merit given the fact that he's been there as long  
22 as he has been there.

23           I don't think that this Committee necessarily has to  
24 find that he's a bad person. I don't think he is. I think he's  
25 -- someone described him as a traditional old gentlemanly type,  
26 and I think that's what he is.

27  
28

1 But, there is a very bad problem at Folsom Prison, and  
2 if any place needs a breath of new leadership, I think it's  
3 Folsom Prison. And I was very disappointed personally and  
4 saddened that Mr. McCarthy, who is the Director of Corrections,  
5 would even appoint Mr. Campoy. I think that the attitude that  
6 Mr. McCarthy had when he was the Superintendent at California  
7 Men's Colony in San Luis Obispo, towards visitors, towards staff,  
8 towards prisoners, and the way he demanded that his staff people  
9 toe the line and follow the rules and all that is just very, very  
10 different than the way that Folsom Prison is run.

11 So, when you're dealing with the situation where you  
12 have the terrible problems that you have at Folsom, a lot of  
13 which are not the fault of the Department of Corrections -- in  
14 other words, the number of prisoners that are being sent there --  
15 I still think that this kind of leadership is what is needed at  
16 this time.

17 And there is an awful lot that you as a Committee may or  
18 may not be able to do about the situation at Folsom, but I think  
19 at least you ought to put a negative veto on the kind of  
20 leadership that is there right now, that's been part of the  
21 problem and is continuing the problem.

22 So, the Prisoners' Union ordinarily does not take any  
23 position on the people in the Department of Corrections. We've  
24 only done this one other time in our history, and that was when  
25 they wanted to make Sumner the Warden at San Quentin. We think  
26 that was a mistake, and we testified against that, and we're here  
27 today to testify against making Mr. Campoy the Warden at Folsom.  
28

1 I would ask you to please urge Mr. McCarthy to see if,  
2 out of all those 13,000 employees he has here, or perhaps  
3 somewhere else if he can't find anybody here, that he could get  
4 somebody there who has an imagination and some creativity,  
5 somebody who could try to control those cowboys that they have  
6 out there at Folsom.

7 Thank you.

8 CHAIRMAN ROBERTI: Thank you.

9 Next witness.

10 MS. WALKER: Mr. Chairman, Members, my name is Olivia  
11 Walker. I speak on behalf of myself and on behalf of of VAC/PAC  
12 which Barbara Sianez and myself have organized.

13 I am here to oppose the confirmation of Joe Campoy.

14 Joe Campoy engages in the so-called old boy system.  
15 Arising from this, Joe Campoy is responsible for deaths in and  
16 out of the institution.

17 An example that I could bring into focus is a death that  
18 occurred in August of 1973 of the wife of an employee of the  
19 Department of Corrections, Walter Craven. The responsibility  
20 falls on Mr. Joe Campoy in that Mr. Joe Campoy authorized the  
21 release of a .38 caliber from the armory at Folsom Prison which  
22 was used, whether it was suicide or accidental death, that  
23 resulted in the death of Mrs. Walter Craven.

24 The deaths inside the institution occurred mostly during  
25 lockdowns. In Folsom Prison there are what they call unwritten  
26 policies. Unwritten policies are those which occur mostly during  
27 lockdowns when nobody, not even the media, could come in and  
28 monitor what exactly is going on inside the institution.



1           Mr. Morris addressed the fact that they have to close  
2 the visiting room during lockdowns because he cannot afford to  
3 pay overtime to his officers. That is very untrue. I have had  
4 occasion, I have had several occasions to go into Folsom Prison  
5 to visit legally with my husband, who is an inmate in Folsom,  
6 during a lockdown. There are four or five officers sitting in an  
7 empty visiting room, eating food out of the vending machines,  
8 reading Playboy magazine, telling jokes, and making a big deal  
9 about how they can sit there eight hours a day getting paid for  
10 doing nothing.

11           There are psychiatrists, there are doctors, there are  
12 medical staff personnel who, during lockdowns, continue to get  
13 paid, who doesn't do anything as far as services are concerned.

14           I went to work for the Department of Corrections in the  
15 capacity of Food Administrator I. I am familiar with the way the  
16 ordering system of food products are held in the institutions.  
17 They are ordered far in advance. During lockdowns, the inmates  
18 are served sack lunches. They are either old cheese or old  
19 baloney. However, if you say you have ordered, say, 3,000 pieces  
20 of chicken for that certain day and it's a lockdown, nobody can  
21 ever account for the fact what happened to those 3,000 pieces of  
22 chicken that are not served to the inmates during the lockdown.

23           You cannot question them. I have tried on numerous  
24 occasions to hold a meeting with Mr. Campoy. His attitude is  
25 that he does not talk to me; he does not talk to the public.

26           My husband is in Security Housing Unit. I was  
27 physically present in Vacaville when he was removed from the  
28

1 visiting room, put into the truck, into the bus, and transported  
2 to Folsom Prison. This was on January 6th of 1982.

3 The time he arrived at Folsom Prison he was immediately  
4 put into the Security Housing Unit upon orders of Mr. Joe Campoy  
5 in order to be, open quote, "handled", close quote, whatever that  
6 means.

7 The only time that he is able to come out of his cell is  
8 when I am there to visit him, or other people to visit him. His  
9 files, his books, whatever he has in his cell has been  
10 confiscated from him on orders of Mr. Joe Campoy.

11 One of the other unwritten policies that is instituted  
12 in Folsom Prison is the fact that has been related to me because  
13 of the Visitors Assistance Clinic program by various members,  
14 family members, of the prisoners. When they want to purchase,  
15 say, a television set for their loved one inside the institution,  
16 they cannot just go out to any store and buy this television set  
17 in order to be delivered to the institution. The policy is that  
18 you either purchase this television set from a particular store  
19 in Rocklin, who we have come to discover is a relative of Mr. Joe  
20 Campoy. So, unless you buy this television set from this  
21 particular store, there's no way you can send anything of that  
22 nature into the institution.

23 That's all I have to say.

24 CHAIRMAN ROBERTI: Thank you very much.

25 Next witness.

26 MS. DELANY: My name is Chris Delany. I am the  
27 co-Director of the Catholic Worker House of Hospitality in  
28



1 downtown Sacramento, where for eight years we've been offering  
2 transportation and overnight lodging to families and friends of  
3 the inmates of Folsom Prison. Knowing that neither families,  
4 prisoners, nor their families are affluent, we offer these  
5 services on a pay what you can afford basis with no questions  
6 asked.

7 Over the years, we have facilitated some 2,000 yearly  
8 visits for inmates and their families. Our guests come from long  
9 distances, from the Mexican border to the Oregon border, and many  
10 from out of state. Consequently, we deal with people who endure  
11 great hardship and sacrifice to meet the outrageous demands of  
12 travel expenses.

13 Probably our most important work is done over the phone  
14 when novice visitors call to make reservations with us. We try  
15 to cover as many bases as possible to help them economize. We  
16 discuss bus and train fare schedules and plane schedules and  
17 fares. We discuss the rules of the prison regarding regular  
18 visiting, family visits, weddings, children, I.D.s, dress codes,  
19 paperwork, lockers, and what will be allowed in the visiting  
20 room, and so forth.

21 Whenever there is a discrepancy about an individual  
22 case, we always urge the prospective visitor to call Visitor  
23 Processing directly for more precise information to ensure that  
24 they will meet all the requirements and have as pleasant and  
25 economic a visit as possible. We are not always successful.

26 Despite our efforts, people are still arbitrarily turned  
27 away because of poor communication on the part of the visiting  
28

1 staff. The following events are examples of this lack of  
2 communication on the part of the prison personnel, and I've  
3 chosen them since the last lockdown during which time Mr. Campoy  
4 was Acting Warden. Since this is his confirmation hearing, I  
5 would like to offer this as testimony as to why he shouldn't be  
6 appointed Warden of Folsom Prison.

7 When new visitors to the prison, at our suggestion, do  
8 call for specific information regarding an individual inmate's  
9 specific visiting days and hours, some are told that it is not  
10 the prison's responsibility to impart that information.  
11 Consequently, by the time the visitor and inmate communicate  
12 again, several more weeks have passed without a visit.

13 Some first visitors do not receive written information  
14 regarding family visits. Just two weeks ago, a very anxious  
15 woman called me to make a reservation. She said she had called  
16 the Family Visit Officer to inquire about regulations. The  
17 officer said she had already mailed a copy but would mail another  
18 one, which never reached the woman either. The woman tried to  
19 reach the officer several times by phone at her own expense, of  
20 course, and finally she did make contact with the officer, who  
21 went over the rules orally, but the woman was still very confused  
22 and very anxious that she would be turned away because of error.  
23 And this is not an isolated case.

24 One time the visiting officer even threatened a woman  
25 that she would not be able to have a family visit if she did not  
26 report to the visiting room by 8:00 o'clock in the morning, which  
27 is not physically possible if she comes from out of town.  
28

1           The late December, after the lockdown, I know that three  
2 separate parties -- two individuals and one family -- who had all  
3 traveled from Southern California were denied visitation because  
4 of personnel error. The reason given out to these people was  
5 that new personnel were being trained in visitor processing that  
6 weekend. One of these individuals was a woman from Los Angeles  
7 with a temporary I.D. who was told that this would be sufficient  
8 and to come ahead. When she presented her I.D., she was, of  
9 course, turned away because her I.D. had no photo.

10           The next weekend, she returned again from Los Angeles  
11 with a photo and her I.D. She was then told she would have to  
12 have the temporary I.D. and the photo notarized. Luckily, we  
13 were able to get her to a place that could do that on a Saturday  
14 afternoon.

15           The same weekend a young woman from Los Angeles was to  
16 have been married, but her bus was two hours late, so the wedding  
17 was cancelled. She was informed by phone -- she phoned into the  
18 prison -- that she wouldn't be able to visit her fiancée because  
19 he didn't qualify for a weekend visit. Someone in the Visitor  
20 Processing Office did tell her that she could visit on Monday.

21           Now, normally we close our House on Sundays and take two  
22 days off, but because the woman was so devastated, we allowed her  
23 to stay until Monday. On Monday she was denied a visit because  
24 she found out he could not visit on Mondays, so she went home.

25           Women have been complaining that they cannot reach  
26 inmates' counselors, letters are not answered, and phone messages  
27 ignored. During that last lockdown, conflicting information was  
28



1 given out by the switch board operators and Visitor Processing.  
2 I would call daily for information as to the termination of the  
3 lockdown. Not infrequently I would receive phone calls from  
4 people who had been given information contradictory to what I had  
5 been given. Also, some of the relief officers at the switch  
6 board were rude and unwilling to connect me with Visitor  
7 Processing. On several occasions I was unable to get an answer  
8 from the switch board at all.

9 I believe that contact of prisoners with their families  
10 and friends through the process of visiting is extremely  
11 important. Visiting provides their only contact with the real  
12 world and is the greatest preparation, probably, for their  
13 re-entry into society. We all know that prisoners who have  
14 regular visits have the lowest rate of recidivism; statistics  
15 have proven this.

16 In this context, I believe that facilitating the  
17 visiting process should be paramount on any Warden's list of  
18 priorities. For a Warden not to undertake this, or to do it  
19 haphazardly, is both unacceptable and unconscionable.

20 We at the Catholic Worker House of Hospitality believe  
21 that Joseph Campoy, as Acting Warden, has not acted responsibly  
22 in this area. Therefore, we recommend that he not be appointed  
23 as Warden of Folsom Prison.

24 CHAIRMAN ROBERTI: Thank you very much.

25 Next witness, please.

26 MS. MARRONE: My name is Patricia Marrone. I represent  
27 the Friends Committee on Legislation, which is a Quaker sponsored  
28

1 legislative advocacy group, and I am here today to oppose the  
2 confirmation of Joseph Campoy.

3 We do acknowledge that many of the conditions at Folsom  
4 Prison are not the fault of the Warden. The age of the facility  
5 and the overcrowding conditions are not of his making, and anyone  
6 who is Warden of Folsom will inherit these problems.

7 However, we are opposing his confirmation based on his  
8 demonstrated lack of leadership and lack of responsibility in  
9 areas that could make an enormous difference in the lives of  
10 prisoners, prison guards, families of prisoners, and ultimately  
11 the citizens of California.

12 For instance, one of the few factors that has been  
13 proven to reduce recidivism is visitation. There is a positive  
14 correlation between the maintenance of prisoner family  
15 relationships and the reduction of recidivism.

16 I also want to point out that there is a strong  
17 correlation between consistent visits and the reduction of prison  
18 violence. Mr. Campoy has proven that he is either unaware of  
19 these factors, or that he does not care to do much to encourage  
20 visitation and the positive results.

21 You've heard testimony from people who are related to  
22 prisoners and who experience the problems at Folsom in relation  
23 to visitation. I might add that it took some soul-searching for  
24 them to come here and testify first-hand about the conditions  
25 that they are experiencing and the conditions that their family  
26 members are experiencing in Folsom Prison.

27

28



1 I also want to underline the fact that Folsom Prison is  
2 the only prison in the California prison system that does not  
3 allow visitation during lockdowns. San Quentin Prison, all of  
4 the other prisons permit visitation during lockdowns, and Folsom  
5 Prison is the only one who has not done that.

6 You've heard testimony about the terrible conditions at  
7 Folsom Prison. We believe that it is in the best interests of  
8 the citizens of California that conditions in prison should be  
9 humane, because one day the majority of prisoners are going to be  
10 returned to the community. It is folly to believe that they can  
11 in any form or fashion be incorporated into the communities in a  
12 positive manner if the experiences that they've had in prison are  
13 like what has been testified before you today.

14 We'd like to also point out that since the court order  
15 that happened regarding San Quentin Prison, San Quentin Prison  
16 has met with many of the outlined demands of the court regarding  
17 changing conditions. And since that time, the level of violence  
18 at San Quentin Prison has diminished.

19 We believe that if conditions at Folsom were changed,  
20 that a lot of the violence that occurs there would be diminished  
21 as well.

22 In conclusion, we'd like to say that in the best  
23 circumstances it is difficult for the public to understand what  
24 life inside prison is like. Lack of access to society seems to  
25 be part of the system of punishment that we have designed. This,  
26 in our minds, makes it even more important to appoint people to  
27 positions of power in our prison system who can be trusted to  
28 uphold the law and the best interests of our society.

1 Appointment of Joseph Campoy would be an act that  
2 assures continuation of operating Folsom Prison as a medieval  
3 dungeon. This cannot be in the best interests of our society,  
4 and we ask that you not sanction this act.

5 CHAIRMAN ROBERTI: Thank you very much.

6 MS. SIANEZ: I have here a petition by the visitors, 232  
7 signatures, that I would like to give you.

8 CHAIRMAN ROBERTI: Have the sergeant accept that, and  
9 we'll place it in the record. Thank you very much.

10 Mr. Campoy, would you like to return.

11 MR. CAMPOY: Senator Roberti, if I may, I ask that my  
12 attorney, the one that was present at the trial, be present with  
13 me, Bill Prah?l?

14 CHAIRMAN ROBERTI: Yes, sure.

15 If you want to make an initial statement on some of the  
16 points that have been raised, or if you just choose to have some  
17 of us ask questions, I'll leave it to you.

18 MR. CAMPOY: It was a rather lengthy list of items that  
19 were raised. At this time I am not familiar with most of them  
20 having been a problem.

21 CHAIRMAN ROBERTI: Right. Let me say that I'm going to  
22 recommend that the Committee put the confirmation over so that we  
23 can look into some of the allegations. The allegations, the  
24 first set dealing with the sexual harassment, go to the issue of  
25 supervision at the prison, and I want to make it clear they do  
26 not go to any personal conduct on your part at all.  
27 Nevertheless, they are important.

1           To what extent do you know or did you know of the  
2 various allegations that were made by the women guards that  
3 testified?

4           MR. CAMPOY: I was aware that there was a sexual  
5 harassment complaint, and that was investigated. It took  
6 probably two and a half months, and I think about 100 or 125 or  
7 more witnesses that gave testimony. That's the incident that  
8 Director McCarthy was talking about.

9           The incident -- the investigation was concluded at the  
10 institutional level about a month or so ago. At that time, the  
11 panel that conducted the investigation made no effort to give me  
12 any information whatsoever. It's common that when anything of  
13 any seriousness is uncovered during an investigation, that in the  
14 exit interview that those things be related to the Warden so that  
15 the Warden can take corrective action, if any is required, prior  
16 to the final report. This was not done, so I must conclude that  
17 nothing of a very serious nature was uncovered during that  
18 incident.

19           MR. PRAHL: My name is William Prah1. I'm a Deputy  
20 Attorney General for the State of California.

21           I've been employed with the California Department of  
22 Justice for approximately 13 years, spent a majority of that time  
23 representing the Department of Corrections, mainly through this  
24 Central Valley out of our Sacramento office, which goes all the  
25 way down to Tehachapi and goes all the way up to Susanville, and  
26 includes Folsom, DVI and Vacaville.

27

28



1 I'd like to offer the Committee one observation with  
2 respect to the testimony that you've received today from the  
3 female correctional officers. And that is that there are  
4 currently several active pieces of litigation where inmates,  
5 filed by inmates, alleging that employment of female correctional  
6 officers within a prison setting violates their rights. Female  
7 correctional officers encounter male inmates in the nude at  
8 various points when they shower and other occasions in the cells.

9 I would offer to the Committee the observation that the  
10 management of the Department of Corrections, and specifically the  
11 management of Folsom Prison, including Mr. Campoy, have assisted  
12 our office actively in defending the right of female officers to  
13 be employed without limitation within the Department of  
14 Corrections. There has been no hesitation on their part in  
15 actively supporting the right of female officers to be full-  
16 fledged members and employees of the Department of Corrections.

17 I think that is worth noting, because that is a long-  
18 standing policy. These suits have been active for several years,  
19 and we have been successful; although the courts have expressed  
20 some concern, to be honest with the Committee, over the  
21 employment of female correctional officers in the situation where  
22 they encounter male nudity. It has largely been with the support  
23 -- or without the support of the Department and without the  
24 support of the administration of Folsom Prison, we would not have  
25 been able to defend those cases. I think it's an issue that the  
26 Committee should be aware of.

27  
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1 CHAIRMAN ROBERTI: There seemed to be a consistent  
2 strain in the testimony of the women guards that they are treated  
3 by some of their co-workers in a demeaning fashion, language and  
4 things of this nature.

5 Is it your feeling this is the case? If it is the case,  
6 how extensive do you think it is? If it's extensive and not  
7 isolated, do you feel that it's your duty to try to take some  
8 kind of remedial action?

9 MR. CAMPOY: My assessment is that the three ladies that  
10 made an appearance before this Committee did not represent all of  
11 the females at Folsom.

12 (Applause from audience.)

13 MR. CAMPOY: I think they represent themselves.

14 Like I said, except for one incident that I was familiar  
15 with, the others were totally unfamiliar to me. They were never  
16 brought to my attention, and I was never given the -- if they in  
17 fact took place, I was never given the opportunity to take  
18 remedial action.

19 CHAIRMAN ROBERTI: If there were a finding by a court,  
20 by the Legislature, or whoever, and I'm hypothesizing, that women  
21 correctional officers were demeaned sexually in language, would  
22 you think that would be something within your authority to make a  
23 change, and would you?

24 MR. CAMPOY: Yes, sir. If that were brought to my  
25 attention, I would take definite steps to correct those  
26 situations. But during the time that I've been Warden, or before  
27 that as Deputy Warden, I can't recall one single case where such  
28 an issue was brought to my attention.



1 CHAIRMAN ROBERTI: A couple of other points. Does the  
2 administration at Folsom make an attempt not to divulge visiting  
3 hours to guests?

4 We had two women testify, one from the Quakers and one  
5 from the Catholic Worker group in Sacramento, indicating that it  
6 has been their experience that this information appears to be  
7 withheld.

8 What's your answer to that?

9 MR. CAMPOY: The visiting hours are well publicized.  
10 Inmates' visitors are given a brochure that explains the visiting  
11 program quite thoroughly.

12 Incidentally, the lady that spoke for the Quakers, or  
13 indicated that she spoke for the Quakers, did not speak for all  
14 the Quakers, because I was informed prior to coming to this  
15 Committee that the Quaker church in may area, based on the  
16 publicity that had been given, actually had a prayer meeting to  
17 pray for my success with this Committee.

18 CHAIRMAN ROBERTI: Thank you.

19 Some of the witnesses indicated that was no visiting at  
20 Folsom during lockdown was unique in this regard.

21 MR. CAMPOY: Yes, during lockdowns, we have for the last  
22 two or three years suspended visiting in order to provide us with  
23 the staff that we need to feed these people and conduct searches  
24 without hiring additional staff. If we hired additional staff on  
25 an overtime basis, it would cost approximately \$15,000 a day. I  
26 try to live within my budget, and \$15,000 a day, I feel, is a  
27 pretty hefty amount.

1 Normally our lockdowns are of fairly short duration, so  
2 the inconvenience to the visitors is somewhat minimal; although,  
3 I'm sure that it is an inconvenience.

4 In the lockdown that is most recently talked about, it  
5 lasted a considerable time longer than the prior lockdowns. It  
6 started out as a money saving issue, but it eventually evolved  
7 into an issue where we were getting information from inmates  
8 which we evaluated and determined to have merit which made us  
9 believe that if we in fact allowed visiting, that there would be  
10 violence in the visiting room, and that the visitors themselves  
11 would be subject to assaults and that their husbands would be  
12 subject to assaults.

13 Up until probably two years ago, our visiting room was a  
14 neutral zone so far as racial violence was concerned. That has  
15 changed. We have had at least two or more rather serious racial  
16 incidences in our visiting room.

17 It was a judgment call on my part, and I felt that I  
18 would rather live with an inconvenience, although I fully  
19 recognize the value of visiting, but I would rather see the  
20 people safe. I feel that is my primary responsibility, the  
21 safety of the public, including the visitors, and also I include  
22 the inmates in that. It would be hard for me to live with if I  
23 permitted visiting and had to haul out a small child mutilated or  
24 dead.

25 CHAIRMAN ROBERTI: Sexual harassment accusations were  
26 made to one of the immediate superiors, and he disposed of that,  
27 and let's say for purpose of argument that it was a legitimate  
28

1 complaint, and he disposed of that and another one is made, and  
2 he disposes of that because of, let's just say, because of  
3 unconcern.

4 What method could a woman employee use in order to get  
5 your attention?

6 MR. CAMPOY: I think that was demonstrated by the lady  
7 that sat on the end, Karen Hallstrom, when she indicated that she  
8 did telephonically communicate with me. She put it in what  
9 appeared to be a negative way in that after she made this  
10 communication, that I did not invite her back in. The reason I  
11 did not invite her back in was because by that time the  
12 harassment case had actually started, and I was aware that she  
13 could very well have been part of it.

14 My office door is never closed. I have an open-door  
15 policy. And hardly a day goes by that some officer or some other  
16 employee doesn't come in to discuss problems.

17 CHAIRMAN ROBERTI: If somebody came in to discuss a  
18 problem with you, or with one of your closer subordinates, would  
19 they run the risk of some kind of punishment?

20 One of the women, I believe, testified -- and I do not  
21 believe she was afraid of you -- that she was given punitive duty  
22 after having registered a sexual harassment complaint.

23 MR. CAMPOY: I don't believe that to be true, sir. If  
24 that were brought to my attention, that would be immediately  
25 rectified.

26 I don't think that the staff that assigns the officers  
27 to various positions has the time to select any officer for this  
28



1 kind of treatment. The moves, job assignments, must be cleared  
2 in advance. That's part of the contract that CCPOA has, and to  
3 make an assignment based on whim or caprice, I just don't believe  
4 it occurs.

5 CHAIRMAN ROBERTI: What is your feeling regarding the  
6 representation that CCPOA makes for its women employees, as far  
7 as management versus employee, and representing them on sexual  
8 harassment kinds of issues?

9 MR. CAMPOY: If CCPOA did in fact make those  
10 allegations, they did it independent of anything that came from  
11 me or my staff. I can't really speak for the actions that CCPOA  
12 takes.

13 If in fact those allegations are true, they do not  
14 reflect my attitude in regards to female employees at Folsom.

15 CHAIRMAN ROBERTI: Thank you.

16 Are there any other questions? Senator Petris.

17 SENATOR PETRIS: Mr. Campoy, do you ever have  
18 orientation courses, policy instructions to the staff, regarding  
19 this question of sexual harassment?

20 MR. CAMPOY: Yes, sir.

21 SENATOR PETRIS: And relationships with --

22 MR. CAMPOY: Yes, sir, we do, Senator Petris. And as a  
23 matter of fact, the courses in that particular subject are  
24 mandatory for every employee at Folsom. As recently as about a  
25 month ago, I issued -- actually reissued -- a letter, and I wish  
26 I had it with me, indicating that sexual harassment would not be  
27 tolerated, and that any complaints regarding sexual harassment  
28

1 would be investigated, and very appropriate action would be  
2 taken.

3 That letter was circulated to every single employee at  
4 Folsom Prison.

5 SENATOR PETRIS: If there were complaints, a woman came  
6 directly to you, would your staff people at your level redirect  
7 her back to the bottom of the ladder to work her way up through  
8 channels?

9 MR. CAMPOY: If the complainant indicated, as was said  
10 here, that this was a repetitive thing, I would not have that  
11 investigation conducted by the middle management. I would  
12 assign, as I have other sensitive issues, a person at least at  
13 the Associate Warden level. That is the third level of  
14 management at the prison. That's a very responsible position.

15 SENATOR PETRIS: In addition to taking this course and  
16 the letter that you indicated, do you ever have personal meetings  
17 with staff people to issue instructions on that and other things?

18 MR. CAMPOY: Do I ever have personal meetings personally  
19 with --

20 SENATOR PETRIS: With the guards, the correctional  
21 officers.

22 MR. CAMPOY: I make it my business to get around that  
23 institution as often as possible. I go down regularly on a daily  
24 basis -- and you'd have to realize the physical plant to  
25 understand what I'm talking about, the administration building is  
26 somewhat removed from the general population area -- but I get  
27 down there once a day, and sometimes twice a day. I do a lot of  
28



1 walking and talking, so to speak, with not only staff of every  
2 level, but inmates. And we discuss a wide range of just about  
3 everything.

4 SENATOR PETRIS: Are you saying that except for the  
5 cases that are on file, that none of these other complaints that  
6 were voiced today ever came to your attention?

7 MR. CAMPOY: This is the first time that I heard of  
8 them.

9 SENATOR PETRIS: Or a climate of that kind ever come to  
10 your attention?

11 MR. CAMPOY: The climate of Folsom, in my opinion, is  
12 very good. And I think it's -- that's one of the reasons why our  
13 total turnover, particularly among the uniformed staff, including  
14 women, is the very lowest in the state. And as a matter of fact,  
15 to go a step further, if I may, sir, we could probably fill our  
16 vacancies in the correctional officer ranks from people that have  
17 requested ingrade transfers from other institutions. We are  
18 continually bombarded with requests from officers from other  
19 institutions that want to come to Folsom.

20 SENATOR PETRIS: Does that include women?

21 MR. CAMPOY: That includes women. As a matter of fact,  
22 most of the last requests were women, or a large part of them  
23 were women, from females.

24 SENATOR PETRIS: Can you tell me briefly what happens  
25 when you have a lockdown?

26 MR. CAMPOY: Yes, when we have a lockdown, the people  
27 are confined to their cells, and the primary purpose of the  
28

1 lockdown being to search for dangerous weapons and/or contraband,  
2 particularly weapons that could hurt or kill people.

3         What we try to do is conduct that as rapidly as possible  
4 so that we can return to a normal operation as quick as we can.  
5 This sometimes requires feeding -- cell feeding of the inmates.  
6 We give them an adequate sack lunch which is nutritionally  
7 adequate; it meets all of the requirements as to the number of  
8 calories that they receive.

9         Another reason why we cell feed is because, obviously,  
10 if we've had a racial stabbing or racial assault, or a series of  
11 them, I'd be very reluctant to put those same people into a  
12 dining room and give them a further opportunity to do that. My  
13 preference is that we keep them locked up in the cells for a day  
14 or two or three or four, whatever it takes, let them cool off,  
15 let them try to iron out their differences if in fact they can.  
16 It's very difficult. Racial problems are deeply ingrained in our  
17 system.

18         SENATOR PETRIS: Would you care to comment on the  
19 testimony regarding filling five formerly Black occupied cells  
20 with the Latin American, and vice-versa?

21         MR. PRAHL: Senator Petris, if I may, some background  
22 material on Mr. Wolinsky and Ms. Arriola's testimony is  
23 necessary, I think, for you to understand accurately what the  
24 situation in the Toussaint case is. It would be necessary.

25         I'm involved as one of the attorneys for the California  
26 Attorney General's Office, representing the Defendants in the  
27 Toussaint case, and I think although Mr. Wolinsky's testimony  
28

1 and Ms. Arriola's testimony was somewhat complete, there were  
2 inaccuracies and there were material omissions.

3 It's necessary for you to understand that a preliminary  
4 injunction was entered in that case that affected Soledad, San  
5 Quentin, and DVI, but not Folsom.

6 To correct the double-celling situation at those three  
7 institutions, the Department transferred a large number of lockup  
8 inmates from those three institutions to Folsom. At that point,  
9 the Defendants -- or the Plaintiffs in that case asked that the  
10 preliminary injunction be extended to Folsom.

11 In other words, all these inmates had been moved into  
12 Folsom --

13 SENATOR PETRIS: That's why it started in August as it  
14 applied to Folsom?

15 MR. PRAHL: That's why it applied to Folsom later.

16 SENATOR PETRIS: In August.

17 MR. PRAHL: It applied earlier to the other  
18 institutions.

19 On several occasions before Judge Weigel, another Deputy  
20 Attorney General, another Senior Deputy Attorney General,  
21 representing the Department of Corrections, informed the Court  
22 that there were serious custodial problems that would result from  
23 an order requiring single celling in the Security Housing Units  
24 at Folsom, because all of the inmates from the other three  
25 institutions had been transferred to Folsom as a result of the  
26 Court's earlier order. So, Folsom was overcrowded at that point  
27 with locked up dangerous inmates. And to require Folsom to  
28



1 release those inmates from the locked up units, they had no where  
2 to go. They couldn't send them to those other institutions at  
3 that point.

4           You have to understand that process to understand the  
5 position that Mr. Morris and Mr. Campoy were in when that  
6 preliminary injunction was extended to Folsom.

7           SENATOR PETRIS: That doesn't explain the color chart.  
8 If there were transfers --

9           MR. PRAHL: I'm going to get to that.

10          SENATOR PETRIS: -- they could have maintained the prior  
11 separation caused by the stabbing incident.

12          MR. PRAHL: I promise I'll get to that.

13          Plaintiffs' counsel -- during the period of time after  
14 the injunction had been extended to Folsom, I want you to realize  
15 that the Court was made aware that there would be serious  
16 custodial problems involved in implementing the preliminary  
17 injunction.

18          There was no motion made to modify the injunction; there  
19 was no motion made for relief. There was an appeal filed,  
20 however. But they did not get the relief that they wanted from  
21 the appeal.

22          During that time, Plaintiffs' counsel repeatedly  
23 suggested that if the Defendants in the case, the Department of  
24 Corrections, would settle the case, Plaintiffs would not seek a  
25 contempt citation. In other words, Plaintiffs used the contempt  
26 citation as a bargaining chip trying to force the settlement.

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1           The Department was unable to reach and amicable  
2 settlement of the case. That occurred. There was a meeting in  
3 November, at which time settlement negotiations broke down, and  
4 the clear writing on the wall was that a contempt request was  
5 forthcoming.

6           At that point in time, Mr. Morris, Mr. Campoy and the  
7 Director of Corrections decided that they had to take  
8 extraordinary measures to try to get the units single celled,  
9 because they were in a situation where they were not in full  
10 compliance with the Court order.

11           At that point in time they were in the process of moving  
12 inmates out of the Security Housing Units into other housing  
13 units within Folsom Prison. It was during a transitional period,  
14 while there were moves. And the testimony at the hearing was  
15 unequivocal and clear that the situation when the violence  
16 erupted was not a permanent situation. In other words, those  
17 five cells had not been designed as a place to put Mexican-  
18 American inmates. There was a process by which other Mexican-  
19 American inmates would be moved on to that tier to racially  
20 balance it. But it just so happened that when the violence broke  
21 out, Ms. Arriola's color chart is correct, that was the physical  
22 composition.

23           The testimony was clear, that that was an ongoing  
24 process, and that it was not an attempt to isolate those inmates  
25 to make them vulnerable.

26           In fact, a contempt motion was sought on the grounds  
27 that they had set up those inmates, and that they had  
28



1 purposefully tried to isolate those inmates. And the Judge did  
2 not return a contempt citation on that basis. He in fact found  
3 that they had not done that. The Judge found that they had not  
4 proved their case as to that ground.

5 The sole ground on which a contempt citation was issued  
6 against Mr. Morris and against Mr. Campoy was on the basis that  
7 the units were not single-celled. They had not been  
8 single-celled with the speed that the Judge felt was appropriate.

9 SENATOR PETRIS: Excuse me.

10 When you say "it was a transitional thing", was another  
11 move -- what I can't understand is why, since the segregation was  
12 caused by the stabbing, and they wanted to keep the two groups  
13 that were hostile to each other apart, why should there be a two-  
14 step move?

15 There might be a darn good reason. I just don't  
16 understand. In other words, why weren't the Black people who  
17 were moved put into the Black section, and the Latin people into  
18 the Latin section?

19 Is there a problem there?

20 MR. PRAHL: The institution does not run in the general  
21 population housing units, does not run segregated facilities.

22 SENATOR PETRIS: Yeah, but they obviously had them  
23 segregated right after the stabbing, according to the chart. You  
24 said the color chart is correct.

25 MR. PRAHL: That was a temporary --

26 SENATOR PETRIS: So I don't --

27 MR. PRAHL: -- housing facility --  
28

1           SENATOR PETRIS: I understand that. But why the mix?  
2 Am I missing something here?

3           MR. PRAHL: Yes.

4           SENATOR PETRIS: What's that?

5           MR. PRAHL: They were trying to get the institution into  
6 a situation which was in compliance with the Judge's order to  
7 have those housing units integrated, because that's the way  
8 general population housing units are physically set up. It was  
9 not a two-step process, as you've characterized it. It was an  
10 ongoing process to try to integrate those housing units in  
11 compliance with the Judge's order.

12          SENATOR PETRIS: The order didn't say anything about  
13 integrating.

14          MR. PRAHL: No, it didn't say anything about  
15 integrating, but it did say to single cell the Security Housing  
16 Unit. That meant that inmates in the Security Housing Unit had  
17 to be brought out of that unit and placed into the general  
18 population. In order to do that, inmates on the RHU housing unit  
19 tiers had to be moved out so other inmates could be brought in.

20           It was a constant -- the record is unequivocal on this  
21 point that there were a number of cell moves designed to get the  
22 institution into an integrated housing mode.

23           The notion that has somehow been conveyed here, that six  
24 or seven Mexican-American inmates were purposefully brought in or  
25 negligently brought in and placed on an all-Black housing tier  
26 was simply incorrect.

27

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1           SENATOR PETRIS: They didn't say purposefully, but they  
2 said it was negligent.

3           MR. PRAHL: Or negligent.

4           SENATOR PETRIS: Given the relations between the two  
5 groups, and a recent stabbing.

6           MR. PRAHL: There's some other points I'd like to make,  
7 if I may, and then perhaps I could answer your questions.

8           Judge Weigel never toured Folsom Prison. He was asked  
9 to do so repeatedly over the course of this litigation. He was  
10 asked to do so on many different occasions, and never, never  
11 toured Folsom.

12           He did tour San Quentin, but he entered his order and  
13 made his findings of fact without ever having seen Folsom Prison.

14           To the best of my knowledge, and I've read the contempt  
15 order on several occasions, Mr. Wolinsky's claim made on several  
16 different occasions when he testified that Judge Weigel found  
17 that the defense offered by the Defendants was nonsense is simply  
18 wrong. Judge Weigel never used the word nonsense in referring to  
19 the defense of Mr. Campoy or Mr. Morris. And that is simply  
20 patently wrong.

21           While physical impossibility is a defense, it is  
22 physical impossibility which is the defense. In other words, if  
23 it was physically possible for that unit to have been single  
24 celled, the defense did not appear.

25           What the evidence in this case indicated was that  
26 literally hundreds of inmates were moved out of the housing unit  
27 in an attempt to single cell the unit and comply with the Judge's  
28

1 order, but that more, hundreds more, came in on the buses. And  
2 those are factors which were out of Mr. Campoy's control.

3 Now, it is not a defense to a contempt citation that  
4 something is out of your control.

5 SENATOR PETRIS: But the Department is a Defendant in  
6 this action also.

7 MR. PRAHL: No, the Department is not a Defendant in  
8 this action, Senator Petris.

9 SENATOR PETRIS: They're not?

10 MR. PRAHL: No, they are not. The Department cannot be  
11 a Defendant. It's individual people that are a Defendant.

12 I'd also like to point out one --

13 SENATOR PETRIS: How'd they get Mr. McCarthy in there as  
14 a Defendant? It's in his representative capacity as the  
15 Department head.

16 MR. PRAHL: He's in as the Director of Corrections.  
17 That's why --

18 SENATOR PETRIS: So it isn't just one institution, or  
19 three; the Department itself has a role as well by naming the  
20 Director.

21 MR. PRAHL: The Director is in because he has  
22 supervisory responsibilities over four institutions, but the  
23 Department itself is not a Defendant.

24 One other point I'd like to make, and that is with  
25 respect to the cartoon, it's ludicrous to suggest that Mr. Campoy  
26 ever endorsed, sanctioned, or approved, or had any responsibility  
27 with respect to the cartoon or the editorial.

28



1           SENATOR PETRIS: What would he have done if that cartoon  
2 related to him, and the article called him Mr. Magoo and an  
3 idiot? Would he have said anything or done anything if it was  
4 directed at Mr. Campoy?

5           I tell you, if I were Mr. Campoy, I would have at least  
6 filed a protest somewhere.

7           MR. CAMPOY: I would have objected, absolutely.

8           SENATOR PETRIS: Thank you.

9           MR. PRAHL: When I asked Mr. Wolinsky to remain for  
10 these proceedings because I felt he had an interest in my  
11 comments regarding the inaccuracies in his presentation, Mr.  
12 Wolinsky told me, and I quote: "Prahl, you can shove it up your  
13 ass."

14           Now, I offer that not because of Mr. Wolinsky's boorish  
15 conduct. I offer that as evidence.

16           Mr. Wolinsky has been involved in this case for a number  
17 of years. In my opinion, it has deteriorated into a personal  
18 vendetta on Mr. Wolinsky's part.

19           One of the relief that they sought against Mr. Campoy in  
20 the contempt proceedings is they wanted his job. They  
21 specifically asked Judge Weigel to remove Mr. Campoy in his job.

22           Now, they didn't get that, and they apparently wanted  
23 it. And having failed in the forum that they sought, which was  
24 Judge Weigel, they decided to bring their show up here.

25           Now, Mr. Wolinsky is a good lawyer, but I think he  
26 suffers from what an awful lot of lawyers suffer from, and that  
27 is, he's become very personally involved in this particular piece  
28



1 of litigation over the years. And I honestly feel that his views  
2 on the case, and his views of reality are becoming skewed by what  
3 has deteriorated into a personal vendetta on his part.

4 That's all I have to offer.

5 SENATOR PETRIS: Thank you.

6 CHAIRMAN ROBERTI: Just to clarify, I think we did  
7 request that Mr. Wolinsky come so if the double-celling had  
8 become an issue, we subpoenaed Mr. Wolinsky. Just to make it  
9 clear, he wasn't a volunteer.

10 Senator Doolittle.

11 SENATOR DOOLITTLE: One of the suggested ways of  
12 complying with the order was to ship the inmates off to other  
13 institutions, but you have told us that at least three of the  
14 other institutions were already under a court order and had  
15 shipped inmates to Folsom in order to comply with their court  
16 order.

17 MR. PRAHL: That's correct, Senator.

18 SENATOR DOOLITTLE: Do you regard that as a meaningful  
19 alternative, to shift people from Folsom to some other  
20 institution in order to comply with the order?

21 MR. CAMPOY: We did a great deal of that, Senator  
22 Doolittle. From the time we became aware that we were going to  
23 be part of the court order, which was even prior to August of  
24 1983, we started our processes to do just that.

25 At that initial period of time, we had in excess of 600  
26 inmates that were in the class. We ultimately, within a fairly  
27 short period of time, either moved into our own general  
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1 population or recommended for transfer and had transferred  
2 approximately 650 inmates.

3 That would have more than put us into compliance had we  
4 not received an equal number or more from other institutions in  
5 the Department.

6 So, we didn't just wait until the last minute to try to  
7 get into compliance. We started working on it even before we  
8 were actually involved in the lawsuit, and we continued to work  
9 on it.

10 SENATOR DOOLITTLE: And your attorney indicated that the  
11 standard for asserting impossibility of compliance is, it's  
12 physically impossible. Apparently, you're saying that it was not  
13 physically impossible, although impractical, and therefore you  
14 could not assert that as a defense against the contempt; is that  
15 accurate?

16 MR. CAMPOY: It was impossible in that the only  
17 institutions that we could consider most of our transfers for --  
18 as you know, there are two Level IV institutions, ourself and San  
19 Quentin are the two institutions that can handle people that have  
20 these security requirements. You've already heard from Senator  
21 Mello that Soledad, which would have been one of the possibles,  
22 was already at 200 percent; DVI which was another potential was  
23 very close, probably 190-200; San Quentin was as bad off as we  
24 were. We were at about 175-180 percent, and San Quentin also had  
25 looming in the background the Wilson versus Deukmejian suit,  
26 which mandated single celling not only for their lockup units,  
27 such as the Toussaint decision, but also for their mainline,  
28

1 which restricted their ability for intake. So, it was an  
2 impossible situation.

3 SENATOR DOOLITTLE: That Wilson case was subsequently  
4 overturned by the Supreme Court; wasn't it?

5 MR. CAMPOY: No, sir.

6 SENATOR DOOLITTLE: So San Quentin's under the ban  
7 totally?

8 MR. CAMPOY: The Wilson case --

9 SENATOR DOOLITTLE: General population as well as --  
10 what is it I'm think of? I thought the argument was made that  
11 double-celling was in violation of the Eighth Amendment, and the  
12 Supreme Court refused to go along with that.

13 Am I thinking of the right issue there?

14 MR. CAMPOY: To the best of my knowledge at this time,  
15 the Wilson case still prevails. And as of the date that it was  
16 effective, San Quentin is permitted to maintain, I think, about  
17 125 double cells, but no more in the general population.

18 SENATOR DOOLITTLE: It was said that Folsom has a much  
19 higher level of violent incidents than other prisons.

20 I just wondered, wouldn't that, though, be related to  
21 the fact that they house only Level IV inmates?

22 MR. CAMPOY: Folsom is not at the top of the list of the  
23 California institutions when it comes to violence. Unfortunately  
24 it's higher than I would like it to be, but it's about third or  
25 fourth.

26 SENATOR DOOLITTLE: What determines the classification  
27 of an inmate at Level IV? It's not just the crime that he was  
28 convicted of, is it?



1 MR. CAMPOY: The crime plays a big part; the length of  
2 sentence plays a big part; whether or not they have had serious  
3 management problems at other institutions. But to a large  
4 extent, the commitment offense is given a lot of consideration.

5 At this time we have about 1100 murderers at Folsom  
6 Prison. We have approximately 1500 inmates that are doing life  
7 or a term that is so close to life that you could consider it  
8 life, 30 years as a bottom. Some of those are 7 years to life, a  
9 small amount, but we have a large segment of our population that  
10 is doing time for very, very serious offenses. About 76 percent  
11 of our inmates have violence in their commitments. The balance  
12 of them, a large portion of them, have violence in their  
13 background but not necessarily in their commitment.

14 SENATOR DOOLITTLE: It used to be said, I think, that a  
15 life inmate was a good inmate because he was in there for a long  
16 time and wouldn't cause trouble.

17 Is that still generally the case?

18 MR. CAMPOY: That used to be true when the age limit at  
19 Folsom started at about 30. At this time, we have 7 percent of  
20 our total inmate population that is over the age of 50. Those  
21 are the people that you can depend on to be kind of mellow, so to  
22 say. But 55 percent of our population is under 25 years of age,  
23 and those are the ones that create the problems in the  
24 institutions.

25 So, our complexion in regard to characteristics have  
26 changed drastically in the last several years.

27

28

1           SENATOR DOOLITTLE: So that old saying wouldn't apply  
2 perhaps any more?

3           MR. CAMPOY: Not at Folsom, sir.

4           SENATOR DOOLITTLE: Now, Alcatraz, as they said, used to  
5 be the place where they sent the troublemakers in the federal  
6 system.

7           Where do our troublemakers go in California?

8           MR. CAMPOY: Primarily right now, Folsom.

9           SENATOR DOOLITTLE: So one would expect perhaps the  
10 level of violence to be higher there than in other places just  
11 because of what you're dealing with?

12           MR. CAMPOY: I think it could be expected, Senator, but  
13 as I say, we are not the most violent institution in the state.

14           SENATOR DOOLITTLE: It was asserted that it was grossly  
15 negligent to place the five Black inmates up there on the row  
16 which was mostly Hispanic.

17           I guess I'd like to address this question to your  
18 attorney.

19           Do you agree with the assertion that it was grossly  
20 negligent?

21           MR. PRAHL: If it had occurred as Plaintiffs' counsel  
22 suggests, I think it would have. The problem is, reality doesn't  
23 match their expectations.

24           It just simply did not occur in that fashion. It was a  
25 planned, organized move to try to comply with the Court order,  
26 and the violence erupted at a point in time, but there were other  
27 moves planned which would have equalized the racial composition  
28



1 on the tier. It was not a deliberate attempt, or even a  
2 negligent attempt, to set those people up. It was simply a  
3 transitional period which left a period of vulnerability, but  
4 that period of vulnerability was unavoidable in terms of moving  
5 those people out of --

6 CHAIRMAN ROBERTI: At the other level, however, wasn't  
7 it done just the other way, and Blacks were put into a  
8 predominately Mexican-American cell block?

9 MR. PRAHL: Again, they were attempting to alter the  
10 previous segregated status of those two tiers. And in doing  
11 that, they had to introduce members of other racial groups, and  
12 that was, again, it was part of a conscious plan to try to alter  
13 the previous housing status. And that was an attempt to get them  
14 into compliance with the operating procedures of the institution  
15 and the court order.

16 And it was, again, as the Judge determined this, it  
17 should also be pointed out that the U.S. Attorney --

18 CHAIRMAN ROBERTI: You're dealing with rival gangs, not  
19 necessarily separate races, but in this case rival gangs which  
20 have a racial basis for the differences.

21 Why did you want to segregate the cells?

22 MR. CAMPOY: I think it was Ms. Arriola that indicated  
23 that she gave a high number of inmates that assaulted the Mexican  
24 inmates. She said Black inmates.

25 To this day, we don't know who assaulted those Mexican  
26 inmates. We never, ever found a good suspect in regard to those  
27 assaults, so we can't say for sure if it was Blacks. And if she  
28

1 has information that they were Blacks, she should have furnished  
2 it to somebody. It could have been Mexicans; it could have been  
3 anybody that had access to that tier. It was an open tier.

4 Now personally, it's my opinion that they were in fact  
5 Black, but I couldn't swear that they were Black inmates that  
6 assaulted the Mexican inmates.

7 CHAIRMAN ROBERTI: But if you're dealing with rival  
8 gangs, just in my layman's point of view, it would seem to make  
9 more sense to keep them separated.

10 MR. CAMPOY: Well, our policy is not to separate tiers  
11 by race. We have 33 percent Black population; 25 percent  
12 Mexican; and about 38 percent Black (sic). And we try to  
13 maintain those averages throughout all segments of the  
14 institution.

15 Now, in regards to the gang members. These people were  
16 given a good classification prior to being moved out of their  
17 Security Housing Unit cells. It was, to be sure, an accelerated  
18 classification process, but it was thorough, and it was done by  
19 competent personnel.

20 In addition to that, all of the inmates that were moved  
21 out were asked by the people -- talking about moved out of the  
22 Security Housing Unit -- were asked if they could safely make it  
23 in our mainline, our general population. Each of -- well, not  
24 each of them, some of them indicated no, that they would have  
25 problems, so they remained in the lockup unit, the Security  
26 Housing Unit, as protective custody cases.

27  
28

1           So, it's not that we indiscriminately forced people out.  
2 Now, had this incident not taken place early that morning, by  
3 that evening the racial would have been closer to the figure that  
4 I gave you than it was at that time. The people that were  
5 responsible for making these moves out of necessity, when they  
6 had an empty cell, and when they had a man that was processed out  
7 of the Security Housing Unit to go into an empty cell, put him in  
8 the available empty cell. And that's what resulted in the  
9 numbers that you were given.

10           CHAIRMAN ROBERTI: Any further questions? Senator  
11 Mello.

12           SENATOR MELLO: I wonder if I could ask Director  
13 McCarthy a few more questions, if he'd be kind enough to come up,  
14 please.

15           I'm trying to distinguish what is the general overall  
16 policy as far as the relationship between you and the Department  
17 and these institutions we have around the state, call them  
18 satellites or whatever you want. Are they pretty much autonomous  
19 as to making their own rules and regulations?

20           MR. McCARTHY: No, all the rules and regulations are  
21 formulated under the Director of Corrections, which are  
22 originated through my office.

23           But basically, there is deviation to it, in that we set  
24 the overall policy, and then some of the institutions,  
25 application of it, there is some leeway in some of the rules to  
26 apply to individual --  
27  
28

1           SENATOR MELLO: When they want to deviate from your  
2 policy, do they ask for your permission? Do they give you a  
3 memo, or what process takes place?

4           MR. McCARTHY: Well, yeah. Like on lockdowns and things  
5 like that, or establishing this emergency temporary housing unit  
6 that they talked about, it requires my permission in order to set  
7 that up. And normally, I ask, you know, what's the purpose is it  
8 for? How are you doing it? How long is it going to remain, and  
9 things of this nature. And then if they satisfy my inquiries,  
10 then I give them permission to go ahead.

11          SENATOR MELLO: The lockdowns that occur at Folsom have  
12 to have your permission before they can take place?

13          MR. McCARTHY: No, they can initially initiate it. On a  
14 weekly basis I get a sheet from all the institutions throughout  
15 the Department, which ones had lockdowns for how many days, for  
16 what reasons, and things like that. If anything is a prolonged  
17 lockdown, then it requires my permission.

18          SENATOR MELLO: Do you have an overall policy of when  
19 and how to trigger a lockdown in any of the institutions?

20          MR. McCARTHY: Normally that's up to the discretion of  
21 the Warden or the Superintendent. Normally it's the aftermath of  
22 a serious stabbing or a murder.

23          SENATOR MELLO: One of the things from the testimony  
24 here is in the area of complaint procedure.

25          Do you have an overall direction and policy as far as  
26 having complaints?  
27  
28



1 MR. McCARTHY: We have the 602 appeals process which has  
2 been alluded to here that any inmate who feels that he's been  
3 mishandled in any way, shape, or form by any member of the staff  
4 can file one of these 602 forms, which is our inmate appeal  
5 system.

6 In fact, this appeal system is recognized by the courts,  
7 and the courts, as also one of the attorneys mentioned, will not  
8 accept any kind of litigation until the went through the  
9 Departmental appeal policy.

10 SENATOR MELLO: Who hears it? Once the complaint is  
11 filed, who hears it?

12 MR. McCARTHY: There's about three levels or four levels  
13 to it. The first level being the supervision. If that's not  
14 satisfied at that level, then they go to the next, which is the  
15 Warden or Superintendent. If they're not satisfied with the  
16 disposition at that level, then they can appeal directly to the  
17 Director's Office.

18 SENATOR MELLO: Do you have in the prisons a prison  
19 relations officer who could handle these complaints and deal with  
20 them?

21 MR. McCARTHY: Yeah, we have what we call an inmate  
22 appeals officer who handles all these. It's his full-time job.

23 SENATOR MELLO: I'm really concerned about visitation.  
24 That seemed to be the thrust of a lot of the opposition here.

25 I know my relationship in Soledad. It's sort of out in  
26 the country; it's hard to get to. But visiting of the inmates by  
27 family and friends is very important.  
28



1           It would seem to me that during this lockdown that you  
2 found justification for, and then a curtailment of visitation  
3 privileges, he cited \$15,000 a day. As I recall, your overall  
4 budget is over \$800 million?

5           MR. McCARTHY: Something in that neighborhood, yes.

6           SENATOR MELLO: And during a period of a lockdown, it  
7 would just appear to me that some means should be made in order  
8 to continue the visitation privileges; otherwise, you develop  
9 hostility from within, and you develop it from those visitors  
10 wanting to see their inmates.

11           My question really to either one of you is: \$15,000 is  
12 a lot of money, but when you're looking at close to a billion  
13 dollar budget, isn't there some way we can make sure that  
14 visitation privileges can continue on?

15           MR. CAMPOY: Senator, if I may, this particular lockdown  
16 what you state happened initially, but later, and I thought I  
17 explained it, later on it evolved to an issue of safety for  
18 visitors and inmates and staff rather than money.

19           Now, if we had additional staff, I'm sure that we could  
20 do just that. It would probably require 20 additional staff on  
21 our payroll, which would cost a million dollars a year.

22           The next question could be --

23           SENATOR MELLO: You don't have a lockdown all year long.

24           MR. McCARTHY: Senator Mello, I think the answer to your  
25 question, as I indicated earlier, I've already asked for -- I'm  
26 asking for a \$100,000 to make a study on the physical  
27 shortcomings of Folsom State Prison, and how much money, like we  
28 did at San Quentin, to bring it up to code.

1 At the same time, we can look at the visiting, and if it  
2 requires extra staff --

3 SENATOR MELLO: I respect visiting. That's one of the  
4 complaints I have for building.

5 I'm one of those trying to build a prison in Los Angeles  
6 County, not to have one there per say, because a lot of people  
7 don't want it, but it's mainly for the visitation of the people  
8 who can --

9 MR. McCARTHY: Visiting is very important and --

10 SENATOR MELLO: The last point I want to pursue is the  
11 one that Senator Doolittle had touched on, and that is the  
12 relationship of Folsom with a high percentage of Level IV, and  
13 upper level of Level IV, compared to -- I know Soledad has Level  
14 III and some in the lower category of Level IV. Now, San Quentin  
15 has some IIIs and IVs.

16 Just briefly, what is the makeup of our institutions  
17 around the state? What I'm trying to see is if things are tough  
18 at Folsom, I want to measure the profile of inmates there based  
19 on the --

20 MR. McCARTHY: Right now, unfortunately, the only two  
21 Level IV institutions we have are San Quentin and Folsom.

22 As indicated already, through the Toussaint and the  
23 Wilson cases, San Quentin has to be maintained at as close to 100  
24 percent designed capacity as possible.

25 Consequently Folsom, then, the only part of Folsom that  
26 is on the court order for single-celling is the lockup units  
27 under the Toussaint. So consequently, we do double-cell at all  
28 the rest of the mainline institutions.

1 Right now, due to the fact that we haven't got adequate  
2 Level IV beds, or maximum security beds, hopefully the new  
3 Tehachapi will be coming on line the latter part of this year,  
4 and that's what we're looking for.

5 Right now, there is in excess of 2,000 inmates who are  
6 classified Level IV that we have housed in Level III  
7 institutions, such as Soledad and DVI.

8 SENATOR MELLO: Are you saying, then, that Folsom does  
9 house, its profile of inmates comprises the most serious  
10 offenders of the higher Level IV than any of the others?

11 MR. MCCARTHY: That's correct.

12 SENATOR MELLO: Thank you.

13 CHAIRMAN ROBERTI: I think we'll conclude the hearing  
14 now, and we will take a vote and maybe some other testimony if  
15 it's warranted before the 16th, because we do have to come to a  
16 vote on Mr. Campoy on the Floor by the 16th. So, that is our  
17 timetable.

18 I would say two weeks, because we want to investigate  
19 some of the points that have been made. I would say two weeks  
20 probably sounds good.

21 Thank you very much, and thank you for sitting through  
22 the hearing.

23 (Thereupon this Hearing of the  
24 Senate Rules Committee adjourned  
25 at approximately 6:40 P.M.)

26 --oo0oo--  
27  
28

CERTIFICATE OF SHORTHAND REPORTER


I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

25<sup>th</sup> day of February, 1985.

  
EVELYN MIZAK  
Shorthand Reporter









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APPEARANCESMEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman

SENATOR WILLIAM CRAVEN, Vice-Chairman

SENATOR JOHN DOOLITTLE

SENATOR HENRY J. MELLO

SENATOR NICHOLAS PETRIS

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Appointments

ALSO PRESENT

JOSEPH CAMPOY, Warden  
Folsom Prison

SENATOR ROBERT PRESLEY, Chairman  
Senate Subcommittee on Prison Reform

WATER VAUGHN, Chief  
Appeals Division, State Personnel Board

ANA OLIVAREZ, Manager  
Discrimination Complaint Unit  
State Personnel Board

DENISE STANFIELD  
Correctional Officer

WANDA CAMPBELL, Housewife  
Prisoner's Mother

CARRIE MELLO  
Former Correctional Officer

MARY JEAN AYALA  
Correctional Officer

JEANNETTE FAGAN  
Former Correctional Officer



APPEARANCES (Continued)

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California Correctional Peace Officers Association

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Attorney at Law

JOYCE ZINK  
Correctional Lieutenant

KATHLEEN SLAYTON  
Correctional Officer

THOMAS LEONARD, President  
Victor Glass, Inc.  
Leonard Energy Systems, Inc.

CHRIS HUDSON  
Correctional Officer

PAT STAFFORD  
Correctional Officer

MARILYN GREENLEE  
Correctional Officer

JOSHEPH M. GONZALEZ  
Correctional Lieutenant

WILLIAM PRAHL, Esq.  
Deputy Attorney General

CARLOS ALCALA, Esq.  
Attorney to Ms. Stanfield





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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: The next order of business is the appointment of Mr. Joseph Campoy, Warden of Folsom Prison.

I would suggest that we take up the order of business in the following sequence: Mr. Campoy; then we will call on the State Personnel Board to make its findings and report on Corrections' 600-page report. Then we will call up witnesses on the major issues that have been raised regarding the administration of Folsom Prison in the following order: allegations of sexual harassment at the prison; the allegations of the stationing of the inmates in the Toussaint case, where the prison cells were integrated the day before the stabbings of some of the inmates took place; third, alleged threats against the witnesses; fourth, an issue which we were not able to deal with, and that is regarding the allegations of nepotism at the prison; then other people in opposition; then other people in support; then Mr. Campoy will have the opportunity to reinforce his own position and also to rebut any allegations; and at that point, hopefully, we can come to a vote.

I would state also that we have to act on this appointment by the 16th, which would mean we really only have next Thursday and the following Thursday as Floor Session days in which to vote on Mr. Campoy's appointment, so time is of the essence.

Let me also reiterate that my making the statements of dividing the allegations is just for purposes of the efficiency

1 of thought and time. In no way am I indicating that the  
2 allegations are taken as a given; they are allegations only.

3 Mr. Campoy, you're free to address some of the issues  
4 that have come before us, or if you choose to wait, we will be  
5 glad to give you sufficient time at the end. You'll have that  
6 time either way. It's your choice how you would like to proceed.

7 MR. CAMPOY: I prefer to make an opening statement,  
8 Senator.

9 CHAIRMAN ROBERTI: Very good.

10 MR. CAMPOY: Good afternoon, Senators.

11 Nearly 40 years of my life have been dedicated to  
12 Corrections at Folsom State Prison. I have worked long and hard  
13 to bring professional law enforcement administration to Folsom.  
14 Our prison now operates at 170 percent of design capacity,  
15 overflowing with the state's most hardened and dangerous  
16 convicted felons.

17 A strong, even hand is needed to guide a prison such as  
18 Folsom. Inmates and their visitors must be treated fairly and  
19 with respect. Staff members must have a clear idea of what is  
20 expected of them as law enforcement officers and must conform to  
21 those expectations.

22 Folsom staff has a clear understanding of my expectation  
23 on the conduct between male and female officers. I do not  
24 condone or tolerate sexual harassment. Whenever I or my staff  
25 finds sexual harassment, we act immediately to correct the  
26 situation. This is my responsibility.



1           The Committee Members have before them my most recent  
2 actions on sexual harassment and other issues. These actions  
3 were taken in response to an investigative report transmitted to  
4 me on February the 26th of this year.

5           The majority of our officers, male and female, work  
6 together without problem. It is important to put the complaints  
7 and charges made at the last hearing and others that may be made  
8 today in perspective.

9           We have resolved the few instances of sexual harassment  
10 at Folsom; sexual harassment is under control.

11           As to the perception created recently that there is a  
12 wider problem, I can only say it is just that: perception and  
13 not reality. We are, however, dealing with that destructive  
14 perception, too. The Women's Liaison Council, at my direction,  
15 is working toward making all of our staff aware of the realities  
16 of sexual harassment.

17           One of those realities is that Corrections, including  
18 Folsom, was a male-dominated profession until mostly the past  
19 decade. The same can be said of law enforcement in general. We  
20 have a few male supervisors who have not made the adjustment to  
21 the assignment of female officers. I have told them personally  
22 within the past week that their behavior will change immediately  
23 or they will face the consequences.

24           Let me share with you briefly part of my professional  
25 history.

26           As a captain, I was actively involved in recruiting  
27 minority and female officers throughout the state. I was the  
28 first recruiting officer to hire female officers at Folsom.

1           During the seven years I served as Associate and Chief  
2 Deputy Warden, minority officers increased about 7 percent to  
3 about more than 20 percent. When I became acting Warden in  
4 January, I immediately thereafter issued a strong memo warning  
5 that sexual harassment has no place at Folsom. This memo was  
6 repeated in even stronger language in February of this year.

7           As Warden, my office has an open door. I have provided  
8 sexual harassment training and make daily rounds of the prison to  
9 stay in touch as much as possible in an institution with daily  
10 crises and more than 800 employees.

11           I have many specific responses to the unwarranted  
12 allegations and statements that have been made over the past two  
13 weeks. I thank you for this opportunity to be heard, and I'm  
14 ready to answer any questions.

15           CHAIRMAN ROBERTI: Thank you, Mr. Campoy. I suggest you  
16 should stay at the desk, and as some of the other witnesses come  
17 forward, you can take your own actual or mental notes, then we  
18 might ask you questions while they're here. It depends on the  
19 tenor of their statements, but I suggest you take a seat and  
20 stay. Thank you.

21           Representatives now of the State Personnel Board. I do  
22 not have the names, but if you are in the audience, please come  
23 forward.

24           Would you please indicate your name, who you represent,  
25 and the charge under which you are operating which is resulting  
26 in your testimony today.  
27  
28

1 MR. VAUGHN: Senator Roberti and Members of the  
2 Committee, my name is Walter Vaughn. I am Chief of the Appeals  
3 Division for the State Personnel Board.

4 With me is Ana Olivarez. She is a manager of the  
5 Discrimination Complaint Unit in my division; she is also the  
6 chief investigator into the issues of sexual harassment at Folsom  
7 State Prison.

8 This investigation was undertaken at the request of this  
9 Committee to look into issues that were raised at your last  
10 hearing. We've provided you with a written report with our  
11 conclusions in that. Ana is available to first make a brief  
12 statement, and then respond to any questions the Committee has.

13 CHAIRMAN ROBERTI: Yes, please, and this will deal with  
14 sexual harassment. Did we charge you with other items?

15 MR. VAUGHN: This request was specifically to look at  
16 sexual harassment. We did mention several items in the report  
17 that you have in front of you.

18 CHAIRMAN ROBERTI: Very good, thank you.

19 MS. OLIVAREZ: At the request of your staff, we did look  
20 into a couple of other areas, and those are addressed in the  
21 report.

22 CHAIRMAN ROBERTI: Very good, thank you.

23 Ms. Olivarez, are you going to proceed?

24 MS. OLIVAREZ: I'll proceed, if you'd like.

25 On February 25th, the State Personnel Board staff did  
26 initiate its investigation by reviewing discrimination complaints  
27 that were filed with the Department of Corrections in the  
28



1 headquarters. We also reviewed adverse actions. These are  
2 disciplinary actions taken against employees at Folsom Prison.  
3 We were looking to identify any charges of sexual harassment and  
4 how they had been dealt with.

5 We also looked at approximately 100 personnel folders  
6 and approximately 100 supervisory folders on individuals, both  
7 individuals that were named as well as a random sample of other  
8 individuals to see if we could identify charges of sexual  
9 harassment and how they were dealt with.

10 We also reviewed the very large report that was prepared  
11 by the Department of Corrections on the charges that were made by  
12 one of your witnesses, Ms. Lopez. We also listened to the tape  
13 recordings of the interviews. There were approximately 100 tapes  
14 of the interviews that were conducted in the course of that  
15 investigation.

16 In addition to that, four managers who comprised the  
17 chief investigative team were on site at Folsom Prison for  
18 approximately one week and interviewed about 90 current employees  
19 -- excuse me, about 80 current employees and 10 former employees.  
20 The former employees include employees that are off on extended  
21 sick leave for stress.

22 The results of our investigation are as follows. It  
23 should be noted that the information that was presented by former  
24 female custody staff as well as those that are on leave differed  
25 significantly regarding the degree to which sexual harassment  
26 exists from that provided by present employees. I believe that  
27 it's important to differentiate so that you can get a flavor for  
28 the difference.

1 CHAIRMAN ROBERTI: Senator Craven.

2 SENATOR CRAVEN: You use the term "from present  
3 employees". Do you mean from some present employees?

4 MS. OLIVAREZ: Yes, Senator. We were not able to  
5 interview all employees.

6 SENATOR CRAVEN: Obviously that would be very, very  
7 difficult. There's a certain connotation when you say "from the  
8 employees" as if they were acting in concert.

9 My point only is to indicate that that is not of  
10 necessity correct, that there are some who may feel this way, but  
11 that opinion does not necessarily represent and/or reflect the  
12 opinion of perhaps the greater number of employees.

13 MS. OLIVAREZ: Yes, Senator.

14 SENATOR CRAVEN: Thank you.

15 MS. OLIVAREZ: The 10 employees who were interviewed who  
16 were former employees or off on some kind of extended sick leave  
17 all felt that sexual harassment was a significant problem at  
18 Folsom Prison. Although none of them could identify specific  
19 situations where employment benefits had been conditioned upon  
20 sexual favors, several of them did believe that it occurred and  
21 had heard rumors and jokes to the effect. All maintained that  
22 female custody staff is frequently subjected to unsolicited and  
23 unwelcome sexual advances, vulgar jokes, and demeaning comments  
24 and physical touching.

25 The present custodial staff also none of the employees  
26 interviewed could identify specific situations where employment  
27 benefits had been conditioned upon sexual favors. Some indicated  
28



1 that they had heard jokes and rumors about some people getting a  
2 certain assignment, and the rumors and jokes were about men and  
3 women and as a result of sexual favors, or sexual relationships.

4 Nearly all of the staff interviewed agreed that the use  
5 of profane and sexually graphic language is commonplace in the  
6 prison, and many believe that this is probably commonplace in all  
7 correctional institutions. Many indicated that they expected  
8 profane language when they came to work in the prison, and over  
9 time have come to accept it and are no longer offended by it. A  
10 few, however, did indicate that they were offended by such  
11 language.

12 Of those that indicated they were offended, we asked if  
13 any of them had ever indicated to the people who were using this  
14 language that they didn't like it and wanted them to stop. And  
15 they -- most indicated that they had, and in most cases it did  
16 stop. We did hear of a couple of instances where a protest was  
17 made but the action did not stop.

18 I should say that this involves a handful of employees,  
19 the names that kept coming up.

20 All of the female and male staff interviewed state that  
21 there is a substantial amount of sexual teasing and innuendo  
22 initiated by both male and female staff, and most employees agree  
23 that this is a process that they use to relieve the stress and  
24 tension of working in the environment.

25 A few of those, a very few of those that we interviewed,  
26 indicated that they were offended by the behavior, and when they  
27 made their objections known, the behavior generally stopped.  
28

1 However, there were a handful of cases where the behavior did not  
2 stop and it continues.

3 In some cases, for those that indicated that they were  
4 offended, we asked if they had brought it up to their  
5 supervisors, and many indicated that they preferred to deal with  
6 it themselves, and they deal with it directly at the lowest  
7 level, which is, you know, one employee to another. A few did  
8 take it to the their supervisors, and in most cases it did stop;  
9 however, there are cases where it has not.

10 There is a substantial amount of sexually explicit or  
11 pornographic pictures and posters throughout the prison, and  
12 virtually all of it is in the inmates' cells and in some work  
13 areas. It should be noted that while we were there, the Warden  
14 did issue a memorandum directing staff to remove the offensive  
15 material. Three of the investigators, myself included, did  
16 conduct on site interviews, meaning we conducted interviews in  
17 the housing units, in the Receiving and Release, in the custody  
18 complex, and the culinary area. And in those areas, the material  
19 was not evident. It was evident in the housing units, in the  
20 cells. It's wallpapering the cells.

21 CHAIRMAN ROBERTI: Senator Petris.

22 SENATOR PETRIS: On a point prior to this, where  
23 complaints were made to some supervisors and the conduct stopped.

24 Did you interview the supervisors as well?

25 MS. OLIVAREZ: We did in a couple of cases. We could  
26 not get to all of the supervisors that we wanted to interview.

1           SENATOR PETRIS: Do you have the names of those who took  
2 action?

3           MS. OLIVAREZ: I believe that in our complete notes we  
4 do have those names.

5           SENATOR PETRIS: Thank you.

6           MS. OLIVAREZ: We did -- some specific incidents of  
7 sexual harassment were found. All of the incidents were verified  
8 by witnesses and were mentioned by several of those that were  
9 interviewed.

10           It should be noted once again that these involved a  
11 handful of people, and the responsible parties have been  
12 identified.

13           In some cases, in a very few cases, supervisors were  
14 present, involved, or were the subject of the sexual harassment.

15           I'd like to comment now on Warden Campoy's knowledge of  
16 the sexual harassment complaints.

17           The evidence indicates that Mr. Campoy was aware of the  
18 complaints filed by Ms. Hallstrom, Ms. Morrison and Ms. Lopez-  
19 Ben. In addition, Mr. Campoy was involved through the  
20 disciplinary process, meaning that he took adverse action against  
21 one of the male correctional officers who was involved in  
22 interfering with the sexual harassment complaint of a female  
23 cadet at the Academy. However, I would like to repeat that it  
24 does appear that generally sexual harassment incidents are dealt  
25 with directly by the staff.

26           The report goes on to comment on other areas, and I  
27 don't know if you'd like me to do that. If you'd like, I can  
28 skip to my conclusions.



1 CHAIRMAN ROBERTI: Please continue.

2 MS. OLIVAREZ: With respect to nonsexual harassment, or  
3 harassment of men and women in general, in the course of the  
4 investigation several supervisors were identified as poor  
5 supervisors in terms of treating their employees inappropriately.  
6 This usually took the form of criticizing or reprimanding their  
7 employees in front of other employees or in front of inmates.  
8 The employees involved felt that this eroded their credibility  
9 and professionalism.

10 There were allegations of certain employees being --  
11 receiving reprisal in terms of unfavorable job and watch  
12 assignments. However, one thing that should be noted is that we  
13 were unable to get any kind of consensus on what constituted a  
14 favorable job assignment and what was an unfavorable job  
15 assignment; it seemed to be a matter of personal taste.

16 With respect to favoritism, former nonleave employees  
17 believe that the reasons for many job assignments were improper  
18 and that they were too often based on nonjob related factors,  
19 such as friendship with supervisors and nepotism. We heard a lot  
20 about being in the car and being out of the car. And they  
21 further stated that if someone raised a legitimate complaint, the  
22 person generally would be given a poor assignment.

23 About one-third of the present staff believes that there  
24 are assignments made -- that there are too many assignments made  
25 for improper reasons, such as those identified above, meaning  
26 favoritism and nepotism. However, there was no consensus on the  
27 degree to which favoritism takes place or is considered in job  
28

1 assignments. And typically those who felt or who indicated that  
2 there was too much favoritism felt that more weight should be  
3 placed on seniority.

4 CHAIRMAN ROBERTI: Senator Petris.

5 SENATOR PETRIS: Does this mean you interviewed  
6 one-third of the staff, or is that on a sample basis?

7 MS. OLIVAREZ: No, one-third of those that we  
8 interviewed. We did not interview one-third of the staff. We  
9 interviewed --

10 SENATOR PETRIS: One-third of those interviewed.

11 MS. OLIVAREZ: Right. We interviewed approximately 14  
12 percent of the custodial staff.

13 SENATOR PETRIS: Which means how many?

14 MS. OLIVAREZ: Which meant a total of 90 interviews:  
15 approximately 80 present employees and 10 former employees or  
16 employees who are on extended sick leaves.

17 SENATOR PETRIS: Meaning a total of 100?

18 MS. OLIVAREZ: No, a total of 90.

19 SENATOR PETRIS: The 90 includes the 10?

20 MS. OLIVAREZ: Right.

21 SENATOR PETRIS: Thank you.

22 MS. OLIVAREZ: Now I'd like to get into my conclusions.

23 SENATOR PETRIS: Yes, please.

24 MS. OLIVAREZ: Sexual harassment in the form of sexually  
25 offensive language and behavior exists at Folsom Prison. Most  
26 staff indicated that they have accommodated this environment,  
27 however, and they are no longer offended, or that when they  
28



1 protest the offensive language stops. Nevertheless, this  
2 behavior is unacceptable, and it's contrary to both the  
3 Department of Corrections' policy and state policy, the policy  
4 regarding to ensuring a discrimination-free environment.

5 Although some policy statements have been distributed to  
6 alert staff of sexual harassment policies, there does not appear  
7 to have been a significant effort by supervisors to reinforce  
8 these policies, or to take corrective action when it was  
9 indicated. Except for those situations where staff requested  
10 assistance regarding sexual harassment incidents, supervisors  
11 generally have not initiated the corrective action on their own.

12 In other words, without a protest, they would not  
13 typically initiate the corrective action.

14 Staff indicates that typically sexual harassment  
15 complaints are not made to Mr. Campoy -- excuse me, are not taken  
16 to Mr. Campoy, and that the use of profane language and vulgar  
17 jokes immediately ceases when Mr. Campoy enters the area. There  
18 is no evidence that this behavior has occurred in Mr. Campoy's  
19 presence. However, given the amount of sexually harassing  
20 behavior, it would seem reasonable to believe that Mr. Campoy was  
21 aware of it, or should have been aware of it.

22 To summarize, there is some evidence that Mr. Campoy was  
23 aware of at least four sexual harassment complaints.

24 And finally, there appears to be a general lack of  
25 understanding regarding selection criteria and how selection  
26 decisions are made. And this appears to contribute to the  
27 general impression that there is some level of favoritism  
28 involved.

1           We have some recommendations. I don't know if it would  
2 be appropriate to make those at this time.

3           CHAIRMAN ROBERTI: Yes, please.

4           MS. OLIVAREZ: I'd like to preface it by giving a caveat  
5 that the investigative team only spent one week at Folsom Prison  
6 reviewing these concerns, and on that basis our recommendations  
7 cannot be considered all-inclusive.

8           Our first recommendation is that the key persons  
9 responsible for the discrimination sexual harassment complaints  
10 processed should be made fully familiar with established  
11 procedures and trained in EEO investigations and employment law.  
12 It became apparent to us that this was not the case.

13           Systems should be established to inform all staff of  
14 sexual harassment policies and to ensure that they are enforced,  
15 that the policies are enforced, so as to continually maintain a  
16 discrimination-free environment.

17           Supervisors should be reminded that when they become  
18 aware of sexual harassment, they have the responsibility to  
19 immediately initiate corrective actions.

20           Sexual harassment training should be mandatory for all  
21 staff. We found evidence that although sexual harassment  
22 training is provided by the institution, it has been very poorly  
23 attended.

24           Selection criteria and processes should be developed and  
25 shared with staff in order to eliminate possible complaints of  
26 favoritism.  
27  
28

1           The Department should devise some system to assure that  
2 wardens are routinely advised of sexual harassment complaints,  
3 and the Department must be more assertive in monitoring the work  
4 environment in the prisons.

5           And finally, the Department should conduct a follow-up  
6 investigation into allegations that we developed involving  
7 specific employees and determine whether corrective action is  
8 warranted.

9           CHAIRMAN ROBERTI: Thank you.

10          Any further questions? Senator Petris.

11          SENATOR PETRIS: Are they going into the Department's  
12 own investigation? You said that the Department, in your last  
13 statement, should do some follow through when a complaint is  
14 made.

15          MS. OLIVAREZ: Yes.

16          SENATOR PETRIS: Now, they investigated one particular  
17 case; I have a 600-page report. I think you were asked to look  
18 into that, too.

19          MS. OLIVAREZ: Not specifically.

20          SENATOR PETRIS: Are you going to report on that?

21          MS. OLIVAREZ: I wasn't prepared to, but I can comment  
22 on it if you'd like.

23          SENATOR PETRIS: Well, I want to ask the Chairman, is it  
24 appropriate now? Maybe they didn't have time.

25          MS. OLIVAREZ: We did review the report, and we listened  
26 to the tapes of those interviews that were conducted to prepare  
27 that report.  
28



1 CHAIRMAN ROBERTI: Would you like them to speak to the  
2 review of the Corrections' report?

3 SENATOR PETRIS: Yes, I would like to get the  
4 impression, at least on a general overview, of the adequacy of  
5 the report.

6 Frankly, I think it's very difficult to have an agency  
7 investigate itself. I had a chat with Mr. Campoy earlier today,  
8 and we both agreed on that. How in the world are you going to  
9 investigate yourself and do an objective job? I'm very  
10 suspicious of that without having outside people doing it.

11 That's really what I'm wondering about. Was it an  
12 adequate and thorough and objective report or not? Can you tell  
13 us that?

14 MS. OLIVAREZ: I can just give you my general  
15 impressions, you know, reviewing it only for a couple of days.

16 My impression is that the report is somewhat defective,  
17 and the methodology was defective.

18 One of our concerns that we passed on to the  
19 investigative team, two representatives of the investigative  
20 team, was the Department's policy and State Personnel Board's  
21 policy regarding the use of trained investigators was not  
22 adequately followed.

23 We also found some problems in other areas, but I  
24 believe it needs further review before we can comment  
25 specifically.

26 SENATOR PETRIS: I didn't think you had enough time to  
27 do it thoroughly.  
28

1 Mr. Chairman, are we asking this agency to continue?

2 CHAIRMAN ROBERTI: Yes, and it's my understanding that  
3 they are continuing, if I'm not mistaken.

4 MS. OLIVAREZ: I was informed today by one of your staff  
5 that you would like us to continue.

6 CHAIRMAN ROBERTI: Yes. Should Mr. Campoy's  
7 confirmation pass the Committee, I intend to take his  
8 confirmation up on the Thursday following tomorrow, and that's  
9 the 14th, so yes, we would like your investigation to continue.

10 Let me point out that this is an investigation at  
11 Folsom, not specifically into any conduct of Mr. Campoy.

12 Thank you very much.

13 Any further questions? We may have you here for some  
14 other questions.

15 MS. OLIVAREZ: I intend to stay.

16 CHAIRMAN ROBERTI: Thank you very much.

17 Next, witnesses regarding sexual harassment at Folsom  
18 Prison, and we have the name of Carrie Mello. Is she here?

19 MR. CAMPOY: Senator, perhaps the witnesses would be  
20 more comfortable if I resumed my seat in the audience.

21 CHAIRMAN ROBERTI: Yes, that's fine, yes.

22 We will bypass that witness if she's not here, Carrie  
23 Mello.

24 Is there anybody else who would like to add anything  
25 that we did not hear at the last meeting regarding that  
26 allegation of sexual harassment? If not, we'll go to the next  
27 issue. Anyone here?  
28



1           Seeing none, regarding the issue of the contempt  
2 citation, I have the name of Ms. Denise Stanfield. Is Ms.  
3 Stanfield here?

4           Thank you very much. We want your name and then your  
5 testimony.

6           MS. STANFIELD: My name is Denise Stanfield.

7           CHAIRMAN ROBERTI: Were you a guard at Folsom Prison?

8           MS. STANFIELD: I was a correctional officer at Folsom  
9 Prison for three and a half years.

10          CHAIRMAN ROBERTI: What do you presently do?

11          MS. STANFIELD: I'm a correctional officer at California  
12 Medical Facility South.

13          CHAIRMAN ROBERTI: Can you speak to your knowledge of  
14 the incidents that led up to the contempt citation and  
15 specifically a matter that was raised but not part of the actual  
16 citation, and that is the integration of the prison cells when  
17 the stabbings occurred, I believe, in late 1983, after the court  
18 had indicated that double-celling had to cease? Can you speak to  
19 that incident?

20          MS. STANFIELD: Well, I was a tier officer at the time.  
21 There was a certain routine we followed on a daily basis. And  
22 then one day we were told that the routine would change.

23          The change in the routine was, first of all, staff was  
24 broken up into two different shifts. Next of all, we were told  
25 that the units we were used to working would not be lockup units  
26 any more; they would be general population. And we would go  
27 accordingly to procedures for GP.  
28

1 When I came into work the next day at 11:00 o'clock, I  
2 noticed the yard was open, and the inmates on the tier that I  
3 worked, the Black tier and the Mexican tier, were out on the yard  
4 with the general population. And they were grouped racially and  
5 separated. None of their normal activities on the yard were  
6 going on.

7 Upon returning from the yard, we noticed the composition  
8 of the tiers, which concerned myself and a fellow officer. I  
9 brought this to the attention of my supervisor, and he basically  
10 ignored me, told me he didn't know what I was talking about.

11 That very next morning is when the stabbings occurred.

12 CHAIRMAN ROBERTI: Was the integration of the tiers  
13 necessary? If so, what could have been done in your estimation  
14 to prevent the stabbings?

15 MS. STANFIELD: Well, I honestly felt that if they were  
16 unsure about the whole situation, they shouldn't have mixed them  
17 racially. They should have kept it as a EHU unit and went on a  
18 daily basis and changed accordingly.

19 CHAIRMAN ROBERTI: Keep it as a EHU unit, that would  
20 have been emergency?

21 MS. STANFIELD: Right.

22 CHAIRMAN ROBERTI: What's the difference between  
23 emergency unit and the general population? What would have been  
24 the difference?

25 MS. STANFIELD: Well, the difference was they were  
26 removing -- they were identifying inmates to be suspected gang  
27 members, or agitators on the main line, and isolating them from  
28

1 the rest of the inmates. But they didn't warrant to go to a  
2 severe lack of units.

3 CHAIRMAN ROBERTI: A severe lack of --

4 MS. STANFIELD: Such as the SHU units.

5 CHAIRMAN ROBERTI: So, they became a general housing  
6 unit, and that entails what? That doesn't entail the supervision  
7 or --

8 MS. STANFIELD: It didn't entail strip searching coming  
9 and going from their cell. It didn't entail being escorted to  
10 visit or a separate yard, or eating in the dining hall with  
11 everyone else. They were fed in their cells.

12 CHAIRMAN ROBERTI: They're fed in their cells?

13 MS. STANFIELD: They were.

14 CHAIRMAN ROBERTI: When it's an emergency unit, they're  
15 fed in their cells?

16 MS. STANFIELD: Yes.

17 CHAIRMAN ROBERTI: So, a general housing unit has less  
18 supervision, and also they mix more freely amongst each other?

19 MS. STANFIELD: Correct.

20 CHAIRMAN ROBERTI: When did the cell become a general  
21 housing cell?

22 MS. STANFIELD: That Wednesday afternoon.

23 CHAIRMAN ROBERTI: Wednesday afternoon?

24 MS. STANFIELD: Yes.

25 CHAIRMAN ROBERTI: Is that when the Mexican-Americans  
26 appeared in the Black cells?

27 MS. STANFIELD: Yes, it was.  
28

1 CHAIRMAN ROBERTI: When did the stabbings take place?

2 MS. STANFIELD: Thursday morning.

3 CHAIRMAN ROBERTI: Was there any feeling among the  
4 guards, or to your knowledge among the prisoners, that there was  
5 going to be trouble?

6 MS. STANFIELD: Yes, I overheard bets being made on who  
7 was going to get stuck first.

8 CHAIRMAN ROBERTI: Bets?

9 MS. STANFIELD: Bets.

10 CHAIRMAN ROBERTI: Did anybody bring to the attention of  
11 their supervisors these bets?

12 MS. STANFIELD: Not to my knowledge, no.

13 CHAIRMAN ROBERTI: Could the integration of the cells  
14 have taken place and still maintained the emergency, on an  
15 emergency basis rather than a general housing basis?

16 MS. STANFIELD: You're asking my opinion?

17 CHAIRMAN ROBERTI: Yes.

18 MS. STANFIELD: Could it have been done?

19 CHAIRMAN ROBERTI: Right.

20 MS. STANFIELD: Yes, it could have been done that way.

21 CHAIRMAN ROBERTI: But it would have been your thought  
22 to maintain it as an emergency basis and not to integrate the  
23 cells at all?

24 MS. STANFIELD: That would be my opinion.

25 CHAIRMAN ROBERTI: Was there any court order indicating  
26 that the cells had to be integrated?

27 MS. STANFIELD: A court order?  
28



1 CHAIRMAN ROBERTI: Yes.

2 MS. STANFIELD: Saying that the cells had to be  
3 integrated?

4 CHAIRMAN ROBERTI: Right.

5 MS. STANFIELD: No, not to my knowledge.

6 CHAIRMAN ROBERTI: There was a court order on  
7 double-celling.

8 MS. STANFIELD: Yes, there was.

9 CHAIRMAN ROBERTI: You've been a guard at Folsom Prison  
10 for two and a half years?

11 MS. STANFIELD: Three and a half years.

12 CHAIRMAN ROBERTI: Were you aware of any incidents of  
13 sexual harassment?

14 MS. STANFIELD: I experienced some instances of sexual  
15 harassment.

16 CHAIRMAN ROBERTI: Verbal?

17 MS. STANFIELD: Verbal.

18 CHAIRMAN ROBERTI: Do you think that's commonplace at  
19 this prison or general to all our prisons?

20 MS. STANFIELD: It's an accepted policy, more so at  
21 Folsom, I would think, because of their conservative way of doing  
22 things.

23 CHAIRMAN ROBERTI: Any other questions? Senator  
24 Doolittle.

25 SENATOR DOOLITTLE: Have you encountered instances of  
26 sexual harassment where you presently are employed, which is  
27 Vacaville?  
28



1 MS. STANFIELD: No, I haven't.

2 SENATOR DOOLITTLE: Are there significant problems,  
3 broadly based, with female correctional officers interrelating  
4 with their male peers at Folsom in your opinion?

5 MS. STANFIELD: I didn't hear the end of your question?

6 SENATOR DOOLITTLE: Are there significant problems  
7 because of sexual harassment, significant and widespread problems  
8 between the male and female correctional officers at Folsom?

9 MS. STANFIELD: At Folsom?

10 SENATOR DOOLITTLE: Yes.

11 MS. STANFIELD: I believe there are.

12 SENATOR DOOLITTLE: Thank you.

13 CHAIRMAN ROBERTI: Senator Petris.

14 SENATOR PETRIS: You mentioned when this change was made  
15 in the tiers, you had a feeling of apprehension about it; there  
16 was tension and so forth. And you reported it to your  
17 supervisor, who just ignored what you said.

18 Can you give us the name of this supervisor?

19 MS. STANFIELD: Lieutenant Smith.

20 SENATOR PETRIS: Smith, is there more than one Smith  
21 there?

22 MS. STANFIELD: There is more than one Smith, but I  
23 forgot his initials.

24 SENATOR PETRIS: Now, did you talk about this feeling  
25 you had? I gather from what you said, you felt it was dangerous  
26 to do this.

27  
28

1 Did you talk about this with any of your other  
2 colleagues? You mentioned that some of them were even taking  
3 bets on who'd get killed first.

4 Did you personally talk to any of your fellow  
5 correctional officers?

6 MS. STANFIELD: I talked to my fellow partner, who  
7 worked the tiers with me a daily basis, and we had discussed the  
8 situation thoroughly. And we both agreed that it was quite  
9 unusual and very dangerous.

10 SENATOR PETRIS: What's his name?

11 MS. STANFIELD: Charles Skinner.

12 SENATOR PETRIS: Was there any kind of organized staff  
13 discussion of possible violence that might happen with this new  
14 change?

15 MS. STANFIELD: Organized discussion?

16 SENATOR PETRIS: Yes, staff meeting, for example, to  
17 discuss it, or was it just while you're on duty, talking to your  
18 partner?

19 MS. STANFIELD: We were just talking among ourselves.

20 SENATOR PETRIS: Were they any staff meetings called for  
21 that purpose?

22 MS. STANFIELD: No, not to my knowledge.

23 SENATOR PETRIS: Any extra safeguards taken to make sure  
24 that --

25 MS. STANFIELD: Nothing -- nothing extra, no.

26 SENATOR PETRIS: Do you know the names, or did you know  
27 any of the inmates that were transferred out of one tier and into  
28 the other?

1 MS. STANFIELD: I knew some of the inmates coming out of  
2 the lockup units into the EHU unit.

3 SENATOR PETRIS: Were any of them known to you to have a  
4 reputation or a record of being dangerous?

5 MS. STANFIELD: Very much so.

6 SENATOR PETRIS: In our last meeting there was some  
7 testimony that the transfers involved people who were suspected  
8 by the administration of either being leaders of one of the gangs  
9 or very active in the gangs.

10 Is that correct?

11 MS. STANFIELD: That's correct.

12 SENATOR PETRIS: According to your own knowledge?

13 MS. STANFIELD: Correct.

14 SENATOR PETRIS: Thanks, Mr. Chairman.

15 CHAIRMAN ROBERTI: Thank you.

16 Any further questions?

17 Hearing none, thank you very much, Ms. Stanfield.

18 Officer Stanfield, Senator Petris has another question.

19 SENATOR PETRIS: These transfers and everything came  
20 about as a result of the stabbing back in September, as I  
21 remember, and then there were some court hearings, and the court  
22 made some orders.

23 When you saw these transfers and the difference of the  
24 composition of the two tiers, Tiers 4 and 5, you felt something  
25 bad was going to happen.

26 Is that the only time that you had that feeling of  
27 possible violence? Were there any other changes or other  
28 incidents that lead you to believe there'd be violence?

1 MS. STANFIELD: In this one instance?

2 SENATOR PETRIS: No, any other instance.

3 MS. STANFIELD: Yes, I experienced that feeling before.

4 SENATOR PETRIS: Was there violence actually?

5 MS. STANFIELD: Yes, there was.

6 SENATOR PETRIS: Can you tell us about that one, and  
7 tell us which month or year it took place?

8 MS. STANFIELD: Okay, in April of '83, I was working in  
9 Housing Unit III as a tier officer on third watch. And a  
10 reliable source told me that some inmates were passing weapons on  
11 the tier at chow time. And he was basically telling me for my  
12 own information, and I was to do whatever I felt was necessary.

13 SENATOR PETRIS: What did you do?

14 MS. STANFIELD: I passed it on to my co-workers, and I  
15 was laughed at, told I was being a typical female, I was taking  
16 my job too serious, I was too sensitive, that don't worry about  
17 the weapons, that they would find them sticking in someone, and  
18 that I needed to go home and have a drink.

19 SENATOR PETRIS: Were these fellow correctional officers  
20 or supervisors?

21 MS. STANFIELD: These were fellow correctional officers.

22 SENATOR PETRIS: Did you report this to anybody else?

23 MS. STANFIELD: I didn't report it to anyone else. One  
24 female co-worker wrote it down in a log book, and that was the  
25 only recording that was done on what I had said.

26 When I returned to work the following afternoon, a white  
27 guy up on 4B backbar was dead, and they had locked up a lot of  
28 his buddies on the same tier for suspicion of murder.



1           SENATOR PETRIS: Now, did anybody talk to you after  
2 that, ask you if you had seen or heard anything suspicious?

3           MS. STANFIELD: I was interviewed by Officer Slayton.  
4 She asked me two questions, and that was the end of our  
5 interview.

6           SENATOR PETRIS: Was it about that incident?

7           MS. STANFIELD: Vaguely.

8           SENATOR PETRIS: Is this log book something that's kept  
9 at the tier, or does each individual officer have a log book?  
10 How does that work?

11          MS. STANFIELD: It was a building log book for each  
12 watch to pass on pertinent information to each other.

13          SENATOR PETRIS: Did you see the entry made by your  
14 colleague?

15          MS. STANFIELD: Yes, I did.

16          SENATOR PETRIS: Was there any discussion after the  
17 death about whether or not anything had been reported in the log  
18 book?

19          MS. STANFIELD: Well, when I returned to work, all my  
20 co-workers converged on me and asked me why didn't I report this.  
21 And I says: Well, I did, and I was shined on.

22          SENATOR PETRIS: Meaning what?

23          MS. STANFIELD: Disregarded.

24          SENATOR PETRIS: Wouldn't the next watch have seen it in  
25 the log book?

26          MS. STANFIELD: I would think they would. It's standard  
27 procedure to read it.  
28



1           SENATOR PETRIS:   Isn't that what it's for?

2           MS. STANFIELD:   Yes.

3           SENATOR PETRIS:   To check it and see what's going on?

4           MS. STANFIELD:   Yes.

5           SENATOR PETRIS:   Thank you.

6           CHAIRMAN ROBERTI:  Thank you once again, Officer  
7 Stanfield.  We appreciate your coming.

8           The next two issues, I think, maybe we'll reserve,  
9 unless you want to proceed differently, for when Mr. Campoy  
10 returns.  One regards the threats against the witnesses, and  
11 basically I want to ask Mr. Campoy what he plans to do about  
12 that.  And the second issue of nepotism, which was dealt with in  
13 the Personnel Board's report, and maybe we'll ask some questions  
14 on that.

15           Right now, we'll ask if there are any other people in  
16 opposition to the appointment of Joseph Campoy, Warden at Folsom.  
17 If there's anyone in opposition, please come forward.

18           Will you please state your name, and what your  
19 occupation is, and who you represent, if anyone other than  
20 yourself.  We'll start on my left.

21           MRS. CAMPBELL:  My name is Wanda Campbell, and I'm a  
22 housewife.  And I do not represent anyone other than my own  
23 interest in the prison system.

24           I have a son who is serving a life sentence at Folsom,  
25 and that's what I would like to speak about.

26           CHAIRMAN ROBERTI:  Please speak on that.

27

28

1 MRS. CAMPBELL: On February the 6th, 1985, I wrote a  
2 letter to the Grand Jury. The letter -- here in Sacramento --  
3 and the letter was waylaid, and I use that word because I feel it  
4 was deliberately waylaid by the Superior Court; a Miss Vinson is  
5 the one that ultimately wrote me a letter. The letter that was  
6 written to me was dated the 15th of February, 1985, and she said  
7 that the letter had been passed around their office.

8 Now, I was not aware that this was done with Grand Jury  
9 letters. I thought they were kept secret. And they took the  
10 liberty of forwarding it on to Ventura County without my  
11 permission, even though there was a whole section devoted to  
12 Folsom Prison. And when I called the Foreman of the Grand Jury  
13 at Ventura County on the 21st, which is the day I received my  
14 letter in Idaho, he still had not received his -- my letter or  
15 any of the proceedings from the Superior Court here in  
16 California.

17 Part of the things that I had were -- was the nepotism.  
18 For one, franchises that are held on t.v.s. One of them is held  
19 by the former warden -- the brother of the former warden. And we  
20 were told that he undercuts the other two sellers, and then does  
21 not use -- then does not make good his warrantees on them.

22 And some of the inmates, we have been told -- I was told  
23 this by the wife of one man that is in prison there, and he is in  
24 a position to where he knows these things on his job -- that some  
25 of the inmates are terribly beaten by as many as five or six  
26 guards at a time.

1 Mail that I sent to my son was confiscated, and in that  
2 particular letter, I kept a copy -- I keep copies of everything  
3 that I send to Folsom Prison -- I told my son that I was going to  
4 go before the Grand Jury with the information pertaining to his  
5 case and pertaining to some of the things at Folsom Prison, that  
6 I was going to go before the Grand Jury, and I mentioned it in  
7 that letter. And that particular letter was confiscated.

8 Other things, such as newspapers, magazines, boxes that  
9 the inmates are allowed, for instance. In one instance a can of  
10 ravioli was confiscated. They said it was the same as soup. And  
11 stupid things like that.

12 And these men have so little, if people would just  
13 realize the terrible injustices that some of these men have done,  
14 and all of them are victims of the justice system in California.  
15 These people -- most of these men have not had fair trials. I  
16 know that for a fact, because in Ventura County the Public  
17 Defender has never ever --

18 CHAIRMAN ROBERTI: The witness has a right to speak  
19 without assistance from the audience. She's entitled to her  
20 opinions. If somebody else wishes to testify, they're free to do  
21 so.

22 MRS. CAMPBELL: The Public Defender in Ventura County  
23 has never won a criminal case. The only cases he has ever won  
24 has been those dealing with jail conditions or something like  
25 that. But as far as a criminal case, representing an individual,  
26 he has never won. That's open for inspection. Those are public  
27 records if you want to view them.



1           And I have tried repeatedly where Mr. Campoy is  
2 concerned, I have tried repeatedly to get an appointment with  
3 him. I tried repeatedly to get an appointment with another --  
4 with the former warden, and I was told that I could not have an  
5 appointment unless I wrote out a letter stating everything that I  
6 wanted to discuss prior to the meeting.

7           I have in my possession a number of things concerning  
8 the Department of Corrections. One of which is a confidential  
9 memo that was sent to me. I did not solicit it; it was just sent  
10 to me.

11           And the things that are being done to these men are  
12 being done without due process of law. I have called office,  
13 after office, after office here in Sacramento, and no one wants  
14 to discuss these things. They prefer to sweep them under the  
15 rug.

16           And yet, men are being killed. The tax payers' money is  
17 being used and not effectively, and crime is continuing to  
18 increase.

19           Another thing where Folsom Prison is concerned, when the  
20 men go out, for instance, where my son is, he's locked up the  
21 entire time except they're supposed to be on the yard for two  
22 hours Monday and Friday. Other than that, they're locked up  
23 continuously.

24           They have long lines, and they're not even allowed to  
25 get everything that they need. Some of them don't even get into  
26 the canteen. Others have waited in line for the telephone and  
27 they never get it. They have to make a decision whether or not  
28

1 they will go to the canteen, because if they don't have money for  
2 the canteen, they go hungry because there is not adequate food at  
3 Folsom, regardless of what you're being told.

4 Some of these men are -- for instance, when they were  
5 under lockdown recently, it was being given to the press that  
6 they were being given one hot meal a day. That was a lie. They  
7 were given a sandwich, and a sandwich consists of two pieces of  
8 bread with meat put in between and an apple. There's no  
9 mayonnaise, not lettuce, no nothing. This was what they were  
10 existing on, and you can go and look at my son and you will see  
11 -- I have a picture just before he was arrested and a picture of  
12 what he looks like now, and you will see that he is malnourished.

13 He is ill. I wrote a letter -- Assemblyman Waters wrote  
14 a letter for me last year. Mr. Campoy has never answered that  
15 letter. In that letter I asked for medical attention for my son.  
16 It's never been forthcoming.

17 And I can go on and on and on on the injustices of the  
18 prison system. But I would like to read you an excerpt from the  
19 confidential memorandum. This memorandum does not concern  
20 Folsom, but it does concern the Department of Corrections. It's  
21 to P. Dobreff, D-o-b-r-e-f-f, Deputy Superintendent of Soledad,  
22 and M. Curio, Associate Superintendent of Soledad. And it is  
23 from a P.M. Jones, Correctional Counselor I. This is reporting  
24 an incident, a stabbing incident, at Soledad.

25 And it says -- now, mind you, this is a man that is  
26 writing to his superiors, and he's saying:

27  
28



1 "On 8/28/81 I received information  
2 from a very reliable source which  
3 related the following."

4 If that man is relating something to his superiors, why would he  
5 not mention their names? This is a confidential memorandum, with  
6 a seal, the official seal on it.

7 These men are being put into prison, many of them  
8 without due process of law, to satisfy men like the district  
9 attorney from Ventura County. And they are not given any kind of  
10 hearings regarding -- when they're in prison regarding situations  
11 such as this.

12 And when my son was taken to Folsom, he was given a  
13 little Mickey Mouse form, and on that form it says: Because you  
14 were a management problem you're being put in the Hole. My son  
15 was thrown into the Hole when he first went to Folsom. That was  
16 the only explanation that he had, and yet I have in my possession  
17 a copy from his supervisor at Soledad, and the Soledad supervisor  
18 said that he was a willing worker, would do any job that was  
19 assigned to him willingly.

20 These men are not being treated fairly. You're sweeping  
21 it under the carpet. And I personally will hold -- if Mr.  
22 Campoy, I know, allows retaliation. He has been the Warden at  
23 Folsom for years. The other Warden was -- Mr. Campoy has made  
24 the day-to-day decisions at Folsom for years. That is common  
25 knowledge within the prison.

26 And if any retaliation is taken against my son, or he is  
27 harmed or killed in any way, I will hold Mr. Campoy directly  
28 responsible for it.

1 CHAIRMAN ROBERTI: Thank you, Mrs. Campbell.

2 Next witness.

3 MS. MELLO: My name is Carrie Mello. I am a past  
4 officer at Folsom Prison.

5 CHAIRMAN ROBERTI: Please testify.

6 MS. MELLO: All right.

7 My husband and I have driven up here today from  
8 Watsonville, California to support my former colleagues in their  
9 charges regarding conditions at Folsom Prison.

10 My first encounter with sexual harassment was at the  
11 Departmental Academy. Lieutenant Rippetoe of Folsom Prison made  
12 constant overtures to me. He suggested we get together, that he  
13 could help me when we got back to the prison. After being --

14 SENATOR CRAVEN: Where did that take place?

15 MS. MELLO: At the Academy.

16 SENATOR CRAVEN: Where is that located?

17 MS. MELLO: They have that Academy at Folsom High  
18 School.

19 SENATOR CRAVEN: It wasn't, obviously, within the  
20 confines of the prison?

21 CHAIRMAN ROBERTI: Was the Academy connected with the  
22 prison?

23 MS. MELLO: Yes. After being --

24 CHAIRMAN ROBERTI: Senator Petris.

25 SENATOR PETRIS: What was the lieutenant's name?

26 MS. MELLO: Lieutenant Rippetoe, Harlan Rippetoe, R-i-p-  
27 p-e-t-o-e.  
28

1           SENATOR PETRIS: First name is what?

2           MS. MELLO: Harlan.

3           SENATOR PETRIS: Thank you.

4           MS. MELLO: After being at the institution for four  
5 days, I was assigned to Associate Warden Campoy's office as a  
6 search and escort officer on the second watch. My function was  
7 to file inmate disciplinary reports and inmate files.

8           Mr. Campoy had two clerks, Officer White and Officer  
9 Cary. These clerks were pretty much selected by Mr. Campoy.

10          While there, the dirty jokes, innuendoes and  
11 propositions were continuous by these two officers. Officer Cary  
12 told me that he was working on an investigation on some inmates.  
13 He said he thought maybe I could be of some help. He told me  
14 that he couldn't discuss it with me at the institution because he  
15 didn't want any inmate clerks to overhear. He asked me to meet  
16 him at the Cordova Lodge after work.

17          I went home, changed, and met him at the bar at the  
18 appropriate time. I asked him what was the investigation all  
19 about, and what was it that he wanted me to do.

20          He started laughing at me. He told me that had made it  
21 all up just to get me to go out with him. I became angry, and I  
22 left.

23          Neither Officer Cary or White are any longer with the  
24 institution as both have been charged in separate incidents with  
25 child molestation.

26          On first watch for two nights a week that I was on the  
27 ground, I was search and escort officer. While on this watch, I  
28



1 was patted on the behind and pinched; I was subjected to  
2 continuous sexual remarks and jokes. The sergeant that was  
3 responsible for most of these was Sergeant Stork.

4 I made coffee, and I went and got food from 5 Building,  
5 which is close to the kitchen. I felt like a waitress.

6 I put up with all of this because I was only on the  
7 ground two nights a week, and I did not want to lose that.  
8 Lieutenant Zink was present on several of these occasions.

9 After being at the institution for 26 days, I was  
10 assigned in one gun walk on second watch with a male officer from  
11 my academy. The first indication I had that the building  
12 sergeant, Doug Jones, was not really pleased to see me on that  
13 gun walk was when he looked up at me, shook his head and glared.  
14 The next thing I knew, Sergeant Jones comes storming up the  
15 stairs to the third tier. He starts swearing and asking me what  
16 kind of a lop female I was. He was yelling at me, not at the  
17 male officer standing near me. As far as he was concerned, and I  
18 quote, females were stupid and he did not want a female on his  
19 gun walk, in his building, or even at the institution. He  
20 screamed that if I was so much as to step wrong, he was going to  
21 personally see to it I was yanked off the gun walk and written  
22 up. He screamed this all directly to me and in front of inmates  
23 and other officers.

24 Nine days later, after the one gun walk incident, I was  
25 assigned to 22 Tower. This tower is a yard tower. I learned  
26 that I was the second female to ever be put in a yard tower. The  
27 Watch Sergeant Morris felt I could handle it, and he gave me a  
28 chance.

1           The yard sergeant that day was Doug Jones. When he  
2 walked out of 5 Count Gate, which is right next to the tower I  
3 was in, he looked up, saw me, and again shook his head and  
4 glared.

5           The day went well, and I did a good job. And I knew  
6 that I was being watched and evaluated since I was only the  
7 second female ever to be in a yard tower.

8           The next day it was all over the institution that  
9 Sergeant Doug Jones said he saw me blow a kiss to an inmate that  
10 day in the yard tower.

11          After being at the institution about four months, I was  
12 assigned to 3 Gun Walk on third watch. The Watch Lieutenant Ray  
13 was well-known to dislike female officers. After my watch ended  
14 at 11:30 p.m., I went home. The institution called me at 8:30  
15 a.m. and asked me if I had inadvertently taken the building alarm  
16 box home. I had and had not noticed it when I got home. I told  
17 the institution that I would be right down to return it. I was  
18 told when I got there that it was basically no problem, that  
19 everyone had done it at one time or another.

20          The next day, halfway through the watch, I was yanked  
21 out of the tower and taken to the Captain's office. There  
22 Lieutenant Ray told me I was being written up, and this is called  
23 a Letter of Instruction, for taking the alarm box home. I had  
24 done it, so at that time I felt it was just.

25          Coincidentally, a few days later on the same gun walk,  
26 Officer J.T. Lee, a male, did the same thing I did; he took the  
27 beeper box home. I ran into Officer Lee and told him that I had  
28



1 heard he had taken the alarm box home. I asked him if he had  
2 gotten written up. He looked at me strangely and said, no, he  
3 had not, and he was told it was no big deal and to forget it.

4 I have never left a job with no written notice. I left  
5 Folsom with no written notice. I could not tolerate the  
6 treatment of myself or watch the outrageous treatment of female  
7 and fellow officers.

8 At the time I left, I was being pressured for sexual  
9 favors by the Captain's clerk, Officer Sal Osuna. It had gotten  
10 to the point that if I did not submit, he would make sure that my  
11 life would be made miserable at the institution. I was really  
12 feeling the heat at this point. He asked me to meet him in a  
13 restaurant. I took another female officer with me; she still  
14 works at the institution. Officer Osuna was surprised to see  
15 her. I told him that I was not going back to the institution,  
16 and I gave him my badge and I.D. card.

17 He was not the only one who was putting pressure on me  
18 at that time. I was just about continually subjected to it every  
19 single day.

20 I had had it, and I knew that going to my union rep.,  
21 Don Novey, would not do me any good. I had seen his unfair  
22 treatment of Karen Hallstrom, and I had also seen unfair  
23 treatment of other officers by Personnel Lieutenant Zink. I knew  
24 the only way I could deal with this was to leave, and I did.

25 I feel as sure as I am sitting here today that there are  
26 some female and male officers at Folsom right now that would like  
27 to come forward and tell you that these things we are saying are  
28

1 true. I also know that they cannot for fear of losing their jobs  
2 at the institution. They fear recrimination. I, for one, know  
3 how difficult that can be.

4 That's all I have to say.

5 CHAIRMAN ROBERTI: Senator Craven.

6 SENATOR CRAVEN: Ms. Mello, when you had these occasions  
7 of harassment, to whom did you report those instances?

8 MS. MELLO: I reported those instances to no one because  
9 I knew that it would do me no good.

10 SENATOR CRAVEN: How did you make that determination?

11 MS. MELLO: By watching the treatment of other officers  
12 who had complaints, by watching union representatives ignoring  
13 it, sloughing it off, by watching the Personnel Lieutenant Zink.

14 SENATOR CRAVEN: Do you think perhaps your failure to  
15 report was an indication to those who may have harassed you to  
16 continue to do so?

17 MS. MELLO: Could you repeat that?

18 SENATOR CRAVEN: Do you think that your failure to  
19 report these incidents was an indication to those who harassed  
20 you that you weren't going to do anything about it, and that may  
21 well have caused them to continue to do it to you?

22 MS. MELLO: No, I do not because it was happening not  
23 only to me, but other officers, male officers as well. I worked  
24 at the institution from 6/22/81 to 2/18/82. It had been going on  
25 before I got there, and obviously it is still going on.

26 SENATOR CRAVEN: So you worked about seven months?

27 MS. MELLO: It was nine months.  
28

1           SENATOR CRAVEN: And then you summarily left without  
2 benefit of official resignation from your position; is that  
3 correct?

4           MS. MELLO: Yes, I did. The pressure that was being put  
5 on me was something that no one should have to deal with, and I  
6 could not.

7           SENATOR CRAVEN: But when you left, for example, did you  
8 at that time write to the Director of the Department of  
9 Correctional Institutions, or to the Warden, or anyone else? Did  
10 you make them aware?

11           In other words, when you left, you did so presumably  
12 without reason as far as the administration was concerned.

13           MS. MELLO: They knew very well what the reasons were.

14           SENATOR CRAVEN: How did they know?

15           MS. MELLO: They knew because they knew they were doing  
16 it to all the female officers.

17           SENATOR CRAVEN: I'm presuming that there were other  
18 female officers employed at the same time you were employed.

19           MS. MELLO: Yes.

20           SENATOR CRAVEN: And I would presume further that they  
21 continued to work and perhaps to some degree many of them still  
22 work.

23           MS. MELLO: A few are left out of my class, yes.

24           SENATOR CRAVEN: So obviously, they have the ability to  
25 withstand the blandishments of those who had harassed them, or  
26 they have been assertive enough that they have forestalled that  
27 from happening again.  
28



1 MS. MELLO: I don't agree with that because I know that  
2 if you didn't play the game --

3 SENATOR CRAVEN: So what you're saying is every female  
4 officer there plays the game?

5 MS. MELLO: Basically.

6 SENATOR CRAVEN: So, you're indicting all of the other  
7 officers?

8 MS. MELLO: No, I'm not. Senator Craven, I am telling  
9 you what happened to me, and what I saw happen to other female  
10 officers.

11 Now, what those other officers did or did not do is not  
12 my concern. I'm telling you what happened to me.

13 SENATOR CRAVEN: I don't doubt what you've said. I have  
14 no reason to disbelieve that at all. I don't necessarily --

15 CHAIRMAN ROBERTI: I think when Officer Mello said the  
16 other female officers played the game, I think at least I  
17 interpreted it, maybe she can address that, is that means they go  
18 along, at least in one way or another.

19 MS. MELLO: Thank you.

20 CHAIRMAN ROBERTI: I don't think she's casting  
21 aspersions on their character one way or another.

22 MS. MELLO: If you don't make waves at Folsom, you do  
23 pretty good.

24 SENATOR CRAVEN: If you don't make waves anywhere you do  
25 pretty good.

26 MS. MELLO: Okay, but if you stand up for things that  
27 you see are unfair --  
28

1           SENATOR CRAVEN: Well, that I understand, and I don't  
2 disagree with you there, Ms. Mello.

3           My disagreement with you, or my quarrel with your  
4 attitude is the fact that experiencing these things, which are  
5 very, very unpleasant to say the least, or were, you did nothing  
6 about it.

7           MS. MELLO: I did not, no.

8           SENATOR CRAVEN: I don't see, you know, I think you have  
9 yourself to blame if you don't take what possible remedial steps  
10 you can to correct an unsavory situation. That's my point.

11          MS. MELLO: I should have stood up, and I should have  
12 said something. But like I said, I saw the union representative,  
13 the personnel lieutenant ignoring these, being aware of these  
14 situations and ignoring them. Lieutenant Zink was present at a  
15 few of these occasions of pinching and patting on the behind and  
16 laughed it off.

17          Now, is that someone you can go to and say: Hey, I  
18 don't like this; make this stop.

19          SENATOR CRAVEN: It is not someone in whom I would have  
20 explicit confidence. I would be very frank to say that.

21          But I don't know that that would necessarily stop me  
22 from commenting on what happened, whether he or she may like it  
23 or not.

24          CHAIRMAN ROBERTI: If I might interject, I don't see the  
25 situation the same as my good friend and colleague Senator Craven  
26 does.

27  
28



1 I tend to think people react differently to these  
2 situations. And if you're in a very strict, supervised  
3 situation, as I take it the prisons are, the female officer just  
4 may feel even more insecure and possibly more intimidated if she  
5 takes a complaint to somebody who she feels by an action was  
6 acting approvingly.

7 It's a difficult judgement call for those of us in the  
8 comfort of these chairs to make a decision when she's on the  
9 line, so to speak, having to make a decision.

10 In my own mind, I can understand why under those working  
11 circumstances she didn't take a complaint. I am impressed by the  
12 frequency of these kinds of complaints that seem to be coming up,  
13 at least as far as the conduct that seems to be accepted at  
14 Folsom Prison.

15 I'd like to interject one other point that maybe the  
16 witnesses or Mr. Campoy can speak to, and I'm a little concerned  
17 that my impression is that the letter of the law seems to be  
18 enforced very strictly against those who seem to be out of favor  
19 with the prison administration. One point was -- and I don't  
20 know if this came out in testimony, but I did hear about it, or I  
21 read about it, or my consultant told me about it, and I'd like it  
22 to be addressed -- Officer Hallstrom's being reprimanded for  
23 giving pens on Christmas, I guess writing pens, to a prisoner.  
24 That seems to have gotten her a letter of reprimand or --

25 MS. MELLO: Letter of Instruction.

26 CHAIRMAN ROBERTI: However, all these incidents of  
27 sexual harassment and demeaning conduct of female officers in  
28

1 front of prisoners, which in my mind -- and I'm a layman -- seem  
2 to undermine the conduct of a prison every bit as much as giving  
3 writing pens to a prisoner, these things don't seem to be written  
4 up. It seems that if you're a dissident at Folsom -- and I don't  
5 mean a dissident in terms of revolutionary, just you happen to be  
6 on the wrong side of the organization and you're an officer --  
7 you have the book, and you have to live by the book. But if  
8 you're a go-along guy, then it's quite all right to pat a woman  
9 on the fanny, or to make demeaning remarks against her with  
10 inmates listening.

11 I frankly, hearing more and more decent women coming up  
12 here as to the conduct of what goes on at Folsom, cannot in my  
13 wildest dreams understand how this has been tolerated for this  
14 long. We were told yesterday, or last week, or two weeks ago,  
15 that well, you've got to get used to the fact that women haven't  
16 been at the prisons that long.

17 My goodness, it's been 20 years since women officers  
18 have been allowed in California prisons. How long do we have to  
19 wait? How long is a respectable amount of time?

20 I recognize that these sociological changes cannot be  
21 accomplished in one year or two years, three years, maybe even  
22 five years, and that's a long time in my mind. But 20 years?  
23 Twenty years, and the women are still getting patted on the  
24 fanny?

25 Believe me, I mean, I can understand why a woman's not  
26 going to complain when the officer sees that take place and says  
27 nothing.  
28

1           SENATOR CRAVEN: Mr. Chairman, if I may, I'm not really  
2 debating you on that issue.

3           CHAIRMAN ROBERTI: I know you aren't, Senator.

4           SENATOR CRAVEN: But I would like to bring to the  
5 attention of the Chairman and the Senators the fact that there  
6 must be other women officers there whose demeanor is beyond  
7 question, and whose moral turpitude would be the same, who are  
8 still in the employ of the system, and who probably may well be  
9 in the audience today.

10           I think we're looking at this thing as a pervasive thing  
11 that effects everyone. I, as an individual, am not willing to  
12 buy that.

13           In my judgment I feel, with every due respect to the  
14 testimony of the ladies who have made the testimony, I'm not  
15 quarreling with it, but my experience at my age has indicated to  
16 me that there are two sides to every question. Two sides, not  
17 one.

18                           (Applause.)

19           MS. MELLO: I'd like to direct this to Senator Craven.

20           I have my probationary report here, sir, and according  
21 to Folsom and my superiors, I could walk on water, okay?

22           SENATOR CRAVEN: In other words, they said you were an  
23 excellent officer.

24           MS. MELLO: Excellent officer, okay?

25           SENATOR CRAVEN: If you were that excellent, somebody  
26 must have thought well of you.

27           MS. MELLO: I did my job, and I did it very well.  
28



1           SENATOR CRAVEN: Didn't somebody think well of you if  
2 they made that kind of a comment on your reports?

3           MS. MELLO: Yes.

4           SENATOR CRAVEN: Why didn't you go to see one of those  
5 people who thought so well of you?

6           MS. MELLO: The person who gave these probationary  
7 reports -- let me just tell you, I'm going to regress here. The  
8 powers that be at Folsom were not there to hear me. They were  
9 not there to hear me. And regardless of who I went to, that  
10 person could not have changed it. It starts at the top and it  
11 dwindles down, and you should very well know that. So, someone  
12 one notch above me is not going to do me a whole lot of good if  
13 the ones on the top don't really care.

14          CHAIRMAN ROBERTI: Senator Petris.

15          SENATOR PETRIS: Without getting too far afield, I  
16 understand what Senator Craven is saying, but I think you may be  
17 asking too much of the women that have testified so far.

18          Every day, every one of us experiences an incident which  
19 we don't like. We don't have the guts to come out and stop it.  
20 Every day we hear racial jokes; we hear ethnic slurs, but we want  
21 to be one of the boys, so we go along with it. And even though  
22 it makes our guts squirm inside, we don't have the guts to stand  
23 up and say: Now listen, when I'm in this room, you don't make  
24 those kind of jokes, my dear friend.

25          Why? Because we live with those folks every day, and we  
26 work with them, and we don't want to offend them. If we're in  
27 the Legislature, we might lose a bill as a result because  
28 somebody's mad at us: If this, if this, if that.

1           To come forward and do what these women are doing, it  
2 seems to me, takes a tremendous amount of courage. It's very  
3 easy for us to sit here and say: Why didn't you complain; why  
4 didn't you do this?

5           We've had so many reports in the last two meetings about  
6 the helplessness of making such a report. We have so many  
7 reports of this conduct in the presence of supervisors.

8           My question is: Where are the men in that institution?  
9 Isn't there one man in that institution who is seeing this who  
10 has the guts to come here today and say: These women are right;  
11 I saw it once or twice, or 50 or 100 times, I saw it; it happened  
12 in my presence; it's wrong, but that's the way it is, and that's  
13 the system, and we don't dare speak out.

14           Where are the men? Where's just one man to come  
15 forward?

16           It just casts a lot of doubt in my mind on the attitude  
17 that seems to prevail, and the climate that's being described to  
18 us, and it makes me very sad. It seems to me that a correctional  
19 officer who is working side by side with a woman, and sees her  
20 degraded and demeaned and pinched and patted and so forth, should  
21 have the guts -- I assume he has the decency and he want to do  
22 the right thing, most of us do. Why shouldn't he have the guts  
23 to say to the other person: Hey, knock it off, will you? She's  
24 a colleague of ours. Let her do her job and do it right, and  
25 knock this stuff off.

26           Where are they? There must have been at least one  
27 incident in the presence of a man. I'd like to see that man come  
28



1 in here and tell us about it, and tell us why he didn't raise his  
2 voice. Maybe they're afraid, too. Maybe everybody's afraid of  
3 everybody else in that operation; I don't know. I'd sure like to  
4 find out.

5 CHAIRMAN ROBERTI: Thank you, Senator. We have to get  
6 to the other witnesses.

7 MS. AYALA: My name is Mary Jean Ayala, and I am  
8 presently employed at Folsom Prison and have experienced many of  
9 the things that Ms. Mello has experienced.

10 CHAIRMAN ROBERTI: You're a correctional officer?

11 MS. AYALA: Yes.

12 CHAIRMAN ROBERTI: Do you wish to testify any further?

13 MS. AYALA: No.

14 CHAIRMAN ROBERTI: Next.

15 MS. FAGAN: My name is Jeannette Fagan. I am no longer  
16 at Folsom State Prison. I resigned approximately four years ago.

17 I am here to -- I don't know if you call it sexual  
18 harassment or anything else, I feel like I've been harassed.

19 I put in for reinstatement --

20 CHAIRMAN ROBERTI: You were a correctional officer?

21 MS. FAGAN: Yes, I resigned because I moved out of the  
22 area with my husband, who works for the Department also. When I  
23 put back for -- when I put in for reinstatement, I was given a  
24 run around for six months.

25 I did resign, not because of any problems; just because  
26 I wanted to relocate. I was told that I would be given  
27 consideration over and over again. And on the end, it came out  
28

1 that I was not fit to be an officer, yet a month prior to my  
2 resigning, I got my probation report saying that:

3 "Your work performance since being  
4 assigned to the first watch has fully  
5 met expected standards; you are continually  
6 prompt in your reporting for duty, and  
7 you continue to display a professional  
8 attitude; you seem to be able to perform  
9 your daily job assignments with very minimal  
10 amount of supervision even though your job  
11 assignments vary from day to day."

12 The reason of my denial was that I was an unfit officer.  
13 I do not feel that way, not today and not at that time. And I  
14 can walk back into this wall, and I can do the job just as I did  
15 before. I remember, and always felt like I wanted to learn, but  
16 you do not have the back up.

17 CHAIRMAN ROBERTI: Ms. Fagan, did you specifically  
18 encounter incidents of sexual harassment?

19 MS. FAGAN: I have been patted on the butt, but I am the  
20 type of person, I just kind of: Let me go; leave me alone, and  
21 since I was at that time I had a very good friend I have later  
22 married, I felt like I had some kind of protection because we  
23 worked the same watch, and I was fortunate in that. But I heard  
24 a lot what has been going on.

25 CHAIRMAN ROBERTI: Did you hear that other women  
26 officers were subjected to sexual harassment?

27 MS. FAGAN: Yes, they have.  
28

1 CHAIRMAN ROBERTI: Both verbal and physical?

2 MS. FAGAN: Yes.

3 CHAIRMAN ROBERTI: For what reasons were you considered  
4 an unfit officer?

5 MS. FAGAN: Okay:

6 "It is the goal of the administration  
7 at Folsom State Prison to employ the  
8 most qualified persons whenever a job  
9 opening occurs. It is our legitimate  
10 expectation that the individuals who  
11 place on our eligibility list will perform  
12 at a more productive level than you did  
13 during your two and a half years as a  
14 correctional officer at Folsom Prison.  
15 During the entire tenure of your employ-  
16 ment, you were never rated higher than  
17 standard in any area and did, in fact,  
18 receive ratings of improvement needed.  
19 You also used all your sick leave credits  
20 you accumulated prior to your resignation  
21 in November, 1980.

22 "The basis of this denial of your  
23 request for reinstatement as a correctional  
24 officer may be found in Section 19140 of  
25 the Government Code, which states that  
26 reinstatement is at the discretion of the  
27 appointing power."  
28

1 I'd like to say one thing. I am a foreigner. I came  
2 into this country. I learned what I know today on my own, and I  
3 feel like I have more guts than some of the officers out there.  
4 That's what I feel.

5 CHAIRMAN ROBERTI: Thank you very much, Ms. Fagan.

6 Any other witnesses?

7 We will take a ten-minute break, and then I will ask one  
8 more time if anybody wishes to testify opposed. I didn't see  
9 anybody. And then we will ask for witnesses in support, and then  
10 we will have a closing statement from Warden Campoy.

11 (Thereupon a brief recess was taken.)

12 CHAIRMAN ROBERTI: Are there any further witnesses in  
13 opposition?

14 Seeing none, I'm going to call for witnesses in support,  
15 and remind the audience that when Mr. Campoy comes up, we will  
16 still discuss with him, and may call other witnesses, regarding  
17 two issues: the first one that I think we have to get out in the  
18 open is that of threats against witnesses; and the second while  
19 Mr. Campoy is here also is the issue of alleged nepotism. I  
20 think we can handle that maybe when Mr. Campoy deals with his  
21 closing. If it entails our calling up other witnesses, then he  
22 will have to come back and forth dealing with his closing in that  
23 way.

24 Now witnesses in support of Mr. Campoy's confirmation as  
25 Warden at Folsom Prison, will you please come forward?

26 Unless there is some prearranged order, why don't we  
27 start on my left, your right.  
28



1 MR. THOMPSON: Senator, I don't think there's any  
2 prearranged order.

3 If I may, I'd like to speak on behalf of the California  
4 Correctional Peace Officers.

5 CHAIRMAN ROBERTI: Very good.

6 MR. THOMPSON: Senator Roberti and Members, I'm Jeff  
7 Thompson with the California Correctional Peace Officers  
8 Association. We represent all prison line staff throughout the  
9 Department of Corrections, and also peace officers in Youth  
10 Authority.

11 The CCPOA fully supports the confirmation of Joe Campoy  
12 as Warden of Folsom State Prison. Our support is based on his  
13 performance as an administrator and his 39 years of experience.

14 Now, in the last Rules hearing, serious allegations were  
15 raised against several parties, I might add including the CCPOA,  
16 around the issues of sexual harassment, which I know are  
17 difficult issues for you all to grapple with because of the  
18 sensitivities involved.

19 We would like to share with you all here, the CCPOA has  
20 existed for the last 28 years to protect the little guy, the line  
21 officer, both male and female, in the Department of Corrections.  
22 Some history of the organization.

23 During 1981 and '82, when the CCPOA received word of  
24 sexual harassment against female officers, it was the CCPOA,  
25 under its present leadership, that fought to create and received  
26 a Departmental Inquiry Board to investigate and end sexual  
27 harassment system-wide.  
28



1 In the wake of recent statements, CCPOA would recommend,  
2 as it has in the past, that the state take the following steps:  
3 educate and work to eliminate abusive language; eliminate  
4 pornographic materials from the cell blocks, tiers and offices of  
5 the entire system; standardize male and female uniforms; increase  
6 professional standards and professionalism throughout the ranks.

7 Now having made these positive recommendations, we would  
8 also like to share one observation. The CCPOA feels it was  
9 unfortunate that the Senate Rules Committee was the forum chosen  
10 by parties to air highly emotional allegations through unsworn  
11 testimony without the Constitutional protections guaranteed to  
12 all accused citizens. We do not believe that this is a court  
13 room, nor should it be.

14 We realize the role of the Legislature is not staffed  
15 nor equipped to provide the thorough impartial review of facts  
16 that the judiciary has been set up to accomplish.

17 I would like to make one statement for the record, as  
18 earlier testimony impugned the integrity of our main CCPOA  
19 principal, our state President, that there is no truth to the  
20 outlandish allegations made against CCPOA State President;  
21 however, any legitimate issues raised by females should be fully  
22 investigated by an appropriate agency in an effort to determine  
23 actual facts and eliminate sexual harassment from the Department  
24 of Corrections and state service generally.

25 Thank you for the opportunity to appear before your  
26 Committee and to give you these statements officially on behalf  
27 of the California Correctional Peace Officers Association. If  
28 you have any questions, I'd be happy to try to field them.

1 CHAIRMAN ROBERTI: Thank you, Mr. Thompson.

2 I think a point should be made along the lines of your  
3 testimony, and that is that I do not believe that the Senate  
4 Rules Committee is equipped to judge the specifics of any one  
5 charge or allegation that was made. And that being the case,  
6 certainly it's outside of our purview to make those kinds of  
7 judgments.

8 On the other hand, I guess we are concerned about an  
9 atmosphere or a feeling based on accumulation, not necessarily a  
10 direct accusation against any one individual because certainly  
11 the points that you raised are very important points, and that is  
12 that we just don't have the powers of investigation, or cross  
13 examination, or testimony under oath.

14 Nevertheless, we do have to deal with the cumulative  
15 atmosphere, and that is where I'm trying to judge the issue of  
16 sexual harassment against women employees at Folsom.

17 Let me ask you a question: Do you believe that there  
18 has been extensive or any sexual harassment against women prison  
19 guards, officers?

20 MR. THOMPSON: Senator, I can state that when we have  
21 received specific allegations, we have acted organizationally.  
22 We have pushed in the past for Departmental Inquiry Boards on the  
23 issues. We have championed the cause of approximately four  
24 different correctional officers at different institutions in the  
25 past.

26 I think you could ask the question as to whether or not  
27 sexual harassment occurs in any agency of state government  
28

1 anywhere, and you'd probably find the response would be it does  
2 probably exist.

3 If it does, it is indefensible. It should not occur,  
4 and should be weeded out and eliminated.

5 I think the point that I'd like to make here is that  
6 under our current President, Don Novey, the organization has  
7 aggressively fought sexual harassment. We certainly do not  
8 condone it, and we have worked -- and our record shows that we  
9 have worked to eliminate it. Where there are specific  
10 allegations, specific facts that can be ascertained, we think  
11 that the appropriate action ought to be taken. I don't think any  
12 other reasonable organization could advocate otherwise.

13 CHAIRMAN ROBERTI: Thank you very much, Mr. Thompson.  
14 Senator Mello.

15 SENATOR MELLO: Mr. Thompson, I'm reading from the  
16 transcript of the last hearing. Before I go to that point there,  
17 there were the three women that were here made statements that  
18 they felt they could not get any hearing or have you go to bat on  
19 their grievances of sexual harassment at that point.

20 Do you get any number of sexual harassment complaints  
21 that are brought to you? And if you do, what do you do with them  
22 once they're brought to your attention?

23 MR. THOMPSON: Senator, what we have done in the past we  
24 continue to do: where there are sexual harassment allegations  
25 made against our female members, we have a duty of fair  
26 representation to all. We have had them to sit down with our  
27 legal counsel and try to pull together the facts. And we've  
28



1 pursued that to the point of receiving in the past Departmental  
2 Inquiry Boards to do official investigations. This was the one  
3 series of allegations that we did handle, and I thought that we  
4 handled it well. It was in 1981-82, when the Director was Ms.  
5 Ruth Rushen, and four female administrators from institutions not  
6 where the allegations were occurring were convened to ascertain  
7 the facts then. It was the organization that pursued the  
8 creation of that Board.

9 SENATOR MELLO: About how many complaints do you get a  
10 year, sexual harassment complaints?

11 MR. THOMPSON: We -- I don't think we really receive  
12 that many. As it was earlier brought out by the State Personnel  
13 Board, most of the officers that receive that handle their own  
14 problems on a one-to-one basis, which is probably the most  
15 prudent.

16 At the time that we were in the middle of the harassment  
17 allegations we had received and were acting on, we had  
18 approximately 17 over that two-year period that we dealt with  
19 that focused in on about four different institutions.

20 SENATOR MELLO: On page 56 of the transcript, making a  
21 statement, and this is a quote:

22 "My deceased husband, Officer Cruman,  
23 was killed on May 15th, 1982. I did  
24 not find out until well over a year  
25 following his death that I had benefits  
26 due to me from the Union. The Union  
27 did not ever notify me."  
28

1           What is your usual practice when there are benefits due?  
2 Do you not notify them, or do you provide any way of  
3 notification?

4           MR. THOMPSON: One, the Insurance and Trust Department  
5 within our organization is notified with the Certificate of  
6 Death, which is usually the method for handling that, and I think  
7 that's the standard practice with the insurance industry, and  
8 checks are cut.

9           On that particular incident, as soon as we were notified  
10 of the death of her husband, her former husband -- the  
11 beneficiary had not changed -- there was a check cut within a  
12 matter of two or three days, I believe.

13          SENATOR MELLO: How long does that take after the death  
14 occurs? She's claiming that it was well over a year before she  
15 found out that benefits were due. I'm trying to find out whether  
16 or not you send out in your newsletter, or do you advise your  
17 members that they do have death benefits?

18          MR. THOMPSON: Constantly. The death benefit being  
19 alluded to there is one that's automatically afforded to every  
20 member. Once our office is informed of the fact that a member  
21 has -- a beneficiary is entitled to benefits because the deceased  
22 is gone, then they act very quickly and very promptly once they  
23 receive a Certificate of Death. They cannot act without that.

24          SENATOR MELLO: You have no way, though, of doing it  
25 more expeditiously when such an event happens?

26          MR. THOMPSON: We did it within a period of three days,  
27 two to three days.  
28



1           SENATOR CRAVEN: May I?

2           CHAIRMAN ROBERTI: Senator Craven would like to  
3 interject.

4           SENATOR CRAVEN: Piggyback on that question, Senator  
5 Mello.

6           There may have been some time lag or delay in the  
7 payment of appropriate benefits to a beneficiary in this case  
8 because, I believe, at the time of the expiration of the officer,  
9 he and the female office who gave testimony were not in fact  
10 married.

11           Is that not correct?

12           MR. THOMPSON: I do not know.

13           SENATOR CRAVEN: I believe that his death occurred while  
14 they were not in fact man and wife, although they were prior to  
15 that time.

16           SENATOR MELLO: Her statement referred to the person as  
17 "my deceased husband", so whatever that means.

18           SENATOR CRAVEN: Well, she used the term "deceased  
19 husband", and you, I suppose like I, would presume that they were  
20 married at the time of his death. I think that that is not  
21 necessarily correct. It's somewhat irrelevant, but I think it  
22 may be germane to the issue of the delay in receiving  
23 acknowledgement of benefits.

24           MR. THOMPSON: Senator Mello, I also recall, too,  
25 because they were not married, there was some dispute as to who  
26 the actual beneficiary should be.

1 But our Benefits and Trust office prides itself on  
2 moving very quickly on behalf of its members, so the turnaround  
3 was very rapid once the Certificate of Death was presented to our  
4 department, and they cut the check very quickly.

5 SENATOR MELLO: All right, the next statement by another  
6 witness, Ms. Hallstrom:

7 "I was attacked frequently in the  
8 Union paper, specifically the Granite,  
9 which was issued at Folsom. This is  
10 an example of the way female officers  
11 in uniform are portrayed."

12 At that point, she held up this magazine,

13 "No officer would ever go around  
14 with her uniform unbuttoned to her  
15 navel."

16 At the time it was displayed here, I didn't know whether  
17 that was a prison publication or what, but I found out that it  
18 was a Union paper.

19 I was wondering what control do you have, bearing in  
20 mind we do have the First Amendment and so forth, but I thought  
21 that was a repugnant display of cartoon or journalism. It would  
22 seem to me that a Union such as yours would have tighter controls  
23 on your own paper that is a representation from your own group.

24 MR. THOMPSON: Senator, the only response I can make to  
25 you for that is that it was an ad for a hat. It was a caricature  
26 of no one in particular, and I suppose it was our officer's  
27 attempt to be a little bit splashy with some Madison Avenue  
28

1 approach to advertising their hat that didn't go over too well  
2 with one person in particular.

3 But we had no other complaints for the four or five  
4 years since that ad came out in one edition, one time. That  
5 complaint was never raised to anybody up until this forum four  
6 years later.

7 SENATOR MELLO: Looking at it, she held it up right  
8 here, it was hard to distinguish that that was an ad for the sale  
9 of a hat. I first saw it as accenting a female in uniform and in  
10 an uncommon manner.

11 MR. THOMPSON: I think it's important that the entire  
12 context be presented to you. Perhaps in retrospect that was bad  
13 taste, but no one else had that opinion of it at the time, and  
14 four years later we're pinned with it. And perhaps it was  
15 inappropriate to have that kind of a cartoon caricature to call  
16 attention to the fact that the CCPOA had some hats for sale.

17 SENATOR MELLO: Do you have guidelines --

18 MR. THOMPSON: We haven't had anything quite like that  
19 since then, I can assure you.

20 SENATOR MELLO: Do you have guidelines, though, as to  
21 what goes in and what does not go in your Union paper?

22 MR. THOMPSON: It's steadily improving. We've had  
23 volunteer officers who donate their own time to pull together the  
24 publications. And the most recent improvement has been the  
25 creation of the magazine called the Peacekeeper, which believe it  
26 or not, is put together by a lieutenant on his own time off duty.  
27 He has done a tremendous job of pulling it together, and he's  
28



1 become much more aware of the professional commitment that he has  
2 to have to the creation of the magazine. And I think many of you  
3 in the Capitol do receive that regularly.

4 SENATOR MELLO: So you're saying you only had one  
5 complaint on that one description of a female officer?

6 MR. THOMPSON: And that was the complaint that you  
7 received here about two weeks ago.

8 SENATOR MELLO: Thank you.

9 CHAIRMAN ROBERTI: Any further testimony?

10 MR. THOMPSON: No.

11 CHAIRMAN ROBERTI: Senator Petris had a question.

12 SENATOR PETRIS: You saw that thing that Senator Mello  
13 was referring to at the last hearing? Have you seen it?

14 MR. THOMPSON: Yes, sir, I've seen that.

15 SENATOR PETRIS: If you were the editor, would you have  
16 run that ad?

17 MR. THOMPSON: No, sir, I don't think I would have.

18 SENATOR PETRIS: Well, I guess it's easier for all of us  
19 to look back. We're kind of Monday morning quarterbacks.

20 I was pleased to see you make some recommendations about  
21 upgrading the standards and more professionalism.

22 This hearing is not a very pleasant thing for any of us.  
23 I'd much rather be doing something else. I think all of us  
24 would. But as long as certain things have been brought to our  
25 attention, we have to do what we can.

26 On the professionalism and the better training on sexual  
27 harassment, can you or one of the witnesses describe what kind of  
28

1 training they do get now? Mr. Campoy said: Well, we have  
2 regular lectures from time to time in order to remind the  
3 personnel, and so forth. One of the witnesses earlier said that  
4 it's not mandatory, attendance isn't mandatory on the part of  
5 their male correctional officers so that these course may not  
6 reach them all. In fact, I think they said the attendance was  
7 very slight.

8 Can you tell me, number one, is attendance mandatory?  
9 And number two, just what are these people told about how to  
10 handle this problem?

11 MR. THOMPSON: Senator, I'll respond to what I can. I  
12 do understand that in-service training is mandatory. However,  
13 I'm not knowledgeable of the actual training that may exist in  
14 the area of sexual harassment or discrimination of that type.  
15 I'd like to defer to someone from the Department.

16 SENATOR PETRIS: Maybe somebody from the Department can  
17 answer that later.

18 Let me ask you, I've worked with you a lot on law  
19 enforcement things. I don't remember if you were formerly a  
20 correctional officer yourself.

21 MR. THOMPSON: No, sir. You couldn't give me that job,  
22 sir. That's a tough one.

23 SENATOR PETRIS: I think most of us are happier to be on  
24 the outside.

25 MR. THOMPSON: I am, I can assure you.

26 SENATOR PETRIS: I had one other question. If you were  
27 to draw the guidelines, let's say you've never seen any  
28



1 guidelines from the prison regarding the problem of sexual  
2 harassment.

3 Would one of your recommendations be that if an  
4 offensive act takes place by a correctional officer in the  
5 presence of a supervisor, that that supervisor should take prompt  
6 action? Would that be one of your recommendations?

7 MR. THOMPSON: I would agree with that, and I would  
8 think that the supervisor would want to handle that in as  
9 informal a manner as possible.

10 SENATOR PETRIS: One-on-one as mentioned earlier.

11 MR. THOMPSON: One-on-one type of thing, because let's  
12 face it, we get people from all walks of life coming into  
13 correctional settings. They come from some highly urbanized  
14 areas, some more rural areas; they're raised in different  
15 subcultures, and different ethnic groups, and so on.

16 When they take a cadet and try to mold him into a  
17 correctional officer to hold the line in the system at the  
18 Academy, they've got six weeks to do it.

19 Personally, and I know Senator Presley was here earlier,  
20 we've worked to upgrade that Academy repeatedly. In fact, I've  
21 worked on some standards and training type of legislation in the  
22 past years.

23 It would seem to me that the key would be to deal with  
24 them in a way that does not embarrass them, for openers, but if  
25 they persist in it, then you'd have to take some more formal  
26 action.

27  
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1           SENATOR PETRIS: I would certainly agree. The question  
2 is: Regardless of what method might be used, if something like  
3 that happens in the presence of a supervisorial person, that  
4 shouldn't be ignored because ignoring it gives the signal to  
5 others that this kind of conduct's okay; don't worry about it.

6           I guess you agree on that?

7           MR. THOMPSON: I understand what you're saying, and I  
8 would agree; it should be dealt with quickly, and immediately  
9 while it's fresh, the context is understood.

10          SENATOR PETRIS: You mentioned the current President.  
11 How long has he been President?

12          MR. THOMPSON: Since July of 1980.

13          SENATOR PETRIS: Thank you.

14          MR. THOMPSON: You're welcome.

15          CHAIRMAN ROBERTI: Senator Doolittle.

16          SENATOR DOOLITTLE: Mr. Thompson, you mentioned the  
17 Academy. What's involved in the Academy?

18          MR. THOMPSON: As I understand it, there's six weeks of  
19 training, both on the range and in the classroom. The curriculum  
20 deals with mandatory curriculum required of peace officers in 832  
21 of the Penal Code. A lot of it is up to what the administration  
22 feels they can get done in a six-week period, and they try to jam  
23 as much as they can into that time.

24          I think they need more time to really help people drill  
25 through a lot of the legalities of the job, the techniques of  
26 search and seizure, and so on, so that they can be proficient and  
27 professional.  
28

1 SENATOR DOOLITTLE: Where is the Academy conducted?

2 MR. THOMPSON: It's at Galt.

3 SENATOR DOOLITTLE: Is that an actual site dedicated to  
4 this purpose?

5 MR. THOMPSON: Yes, sir.

6 SENATOR DOOLITTLE: How long has the Academy been in  
7 existence with its six-week program?

8 MR. THOMPSON: The six-week program came about after we  
9 worked with Senator Presley to upgrade it from five weeks, and  
10 that was in the '83 budget season for the '83-'84 budget.

11 SENATOR DOOLITTLE: How long is the Academy training  
12 for, say, the Highway Patrol or police officers?

13 MR. THOMPSON: I understand -- we did some research on  
14 this. The average for the County Deputy Sheriffs and various  
15 city police is 14½ weeks to 16. You mentioned specifically the  
16 Patrol, and I understand their academy is approximately 20 weeks.

17 We feel like once the standards are pulled together for  
18 job performance for correctional officers, appropriate curriculum  
19 could be developed to meet those standards, and I would expect it  
20 to be something about double the duration that it is now, at a  
21 very minimum.

22 SENATOR DOOLITTLE: Do you feel what's required of a  
23 correctional officer is perhaps less demanding than a policeman?

24 MR. THOMPSON: I think it's no less demanding than a  
25 policeman. It's a different setting. They don't need to know a  
26 lot of the code, the three emergency pursuit techniques that a  
27 patrolman might need to know trying to apprehend a felon. But  
28



1 they have some very stressful riot control-type things that would  
2 be required of them.

3 They have to face on a daily basis incredible odds. If  
4 you're a street cop who's dealing with 150 dangerous felons in a  
5 neighborhood at one time, I think he'd call for a backup.  
6 Correctional officers deal with that on any given tier, on any  
7 given day, any minute of the day.

8 There's a lot of psychological factors that I think  
9 ought to be trained into the officers, and I think there ought to  
10 be some good screening there, too. Unfortunately, there's no  
11 psychological testing that's stood up in court, so that there's  
12 not really any legal screening psychologically that can be done.  
13 But that, I think, would be very, very helpful, especially if our  
14 goal is to professionalize the ranks and to try to pick out the  
15 good stable officers who can handle that kind of stress.

16 SENATOR DOOLITTLE: You would say that a correctional  
17 officer's job is more stressful than a policeman's job?

18 MR. THOMPSON: Do you want me to be a lobbyist here?  
19 I'll tell you that it is.

20 I think a lot of policemen that I know would argue with  
21 me. It's an unsavory job; it's a difficult job.

22 I feel like our motto of being the toughest beat in the  
23 state is an appropriate one. It has, like I said, much different  
24 stresses than the policeman. As stressful, and I would say in  
25 some cases, depending on where you are and who you have to deal  
26 with, more stressful.

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1           SENATOR DOOLITTLE: Mr. Chairman, I ask these questions  
2 because I think it clearly is a difficult job. You can see they  
3 receive less than half the training of what the average police  
4 officer receives in his academy, and yet they perform under very  
5 difficult circumstances.

6           Perhaps one of the good things that could come from this  
7 hearing would be some legislative support for a full-blown  
8 academy program that is commensurate with the demands the job  
9 requires.

10          MR. THOMPSON: I think that's a good point, Senator  
11 Doolittle. The reason I'd agree with you wholeheartedly is  
12 because there's a sense of pride that one will develop as the  
13 type of training and attention given to that development is paid.  
14 And I think as officers have come out of the six-week academy,  
15 and I think the administration would agree, there's a marked  
16 increase in the professional demeanor of the officers on the  
17 line.

18          When I first came to work with the CCPOA it was a three-  
19 week academy, and that was in 1980. We've doubled it since that  
20 time, and generally speaking, the cadre of the line staff has  
21 improved with the increased training.

22          I think as you grapple with the types of harassment  
23 issue being brought to you, it might be well to consider the  
24 additional need for training and perhaps screening as well.

25          SENATOR DOOLITTLE: Thank you.

26          CHAIRMAN ROBERTI: Thank you, Senator Doolittle.

27          Any further questions?  
28



1           Hearing none, the next witness.

2           MR. HINTZ: Mr. Chairman, I am compelled by time  
3 pressure to make a brief statement, answer questions, and then  
4 leave, if I may be excused.

5           CHAIRMAN ROBERTI: Yes.

6           MR. HINTZ: Mr. Chairman, Senators, my name is Hamilton  
7 Hintz, H-i-n-t-z. I'm a practicing attorney in Sacramento  
8 County. My general background includes 10 years with the  
9 District Attorney's office from 1960 to 1970; 5 years as a pro  
10 tem Superior Court judge in this county while I was in private  
11 practice.

12           I've been a special prosecutor on a number of occasions,  
13 and I have been in a full-time practice of criminal law from the  
14 defense side for the last 15 years.

15           I've known Joe Campoy for 25 years myself. I was  
16 involved in some early training back in the '60s as a Deputy  
17 D.A., at which time we would go out to Larkenhall and give 8  
18 hours of training to the officers as they came on and off shift.  
19 Basically that was dealing with matters pertaining to the type  
20 prison criminal cases they might encounter.

21           I would like to say that I think in considering this  
22 appointment, the Committee ought to give full perspective to the  
23 fact that Folsom is the maximum security prison for this state.  
24 It houses the most dangerous and the most violent criminals. It  
25 houses also those who have proven to be management problems in  
26 other institutions. So, to put in with Mr. Thompson, the job is  
27 one of very high stress.  
28

1 I have found over the years in both the prosecution and  
2 the defense of capitol murder cases arising inside Folsom Prison  
3 as a trial attorney myself that Joe Campoy, first as a  
4 correctional officer, later as a counselor, as a lieutenant, as a  
5 captain, as an acting Warden, to be the most considerate, to be  
6 the most courageous type of person I've known in many, many  
7 years. He's a man who is dedicated to high principles of  
8 fairness, to the administration of justice. He's a man of  
9 impeccable integrity and honesty.

10 I think he's paid his dues, and he deserves every  
11 consideration for the appointment by this Committee.

12 CHAIRMAN ROBERTI: Thank you, Mr. Hintz.

13 In regard to what you just stated, as far as my own mind  
14 is concerned, I agree wholeheartedly that the situation at a  
15 prison is unique, and there is a tremendous amount of stress.  
16 And I guess we cannot judge conduct there totally on the same  
17 basis as we would judge conduct in everyday life.

18 Nevertheless, for I'm sure very good reasons, sexual  
19 harassment, verbal abuse, and things of that nature are  
20 prohibited by regulations of the Department of Corrections  
21 itself. And I would tend to believe that the regulations of the  
22 Department of Corrections would take into consideration, if  
23 anything would, the high stress atmosphere of a Folsom or a San  
24 Quentin.

25 What concerns me, and I suspect Mr. Campoy when he comes  
26 up would be the proper person to respond to this, or the women  
27 guards, I assume, who are here at the present time, it concerns  
28

1 me that allowance for stress in a stressful situation appears to  
2 be made for those that go along with the administration of the  
3 prison, but there doesn't appear to be too much allowance for  
4 stress for those who protest. And that, quite frankly, the  
5 rigidity of the Department of Corrections' rules enforced against  
6 those who make their feelings known of unhappiness against the  
7 administration of the prison, but the allowance for those who go  
8 along with the prison administration seems to be there. This  
9 concerns me.

10 Now, maybe there's an answer for it, and I haven't  
11 prejudged in my own mind what the reason for that is. But my  
12 feeling, hearing all the testimony, is that everybody recognizes  
13 this is a stressful situation, except for those who don't go  
14 along or get along.

15 So, I have to understand, I guess, why a buttocks is  
16 patted. I guess I'm supposed to understand that, or why a woman  
17 is demeaned in language. But I'm not supposed to understand why  
18 a complainant is sent to the tower; and I'm not supposed to  
19 understand why somebody is reprimanded for giving pens to a  
20 prisoner, which she shouldn't have done.

21 The rules are very strict if you don't go along, but  
22 we're supposed to make allowances if you do go along. Now, maybe  
23 there's an answer for it, and I want to hear what that answer is.

24 Because I agree with you, it is a stressful situation.

25 MR. HINTZ: I would offer the observation that because  
26 of the fact that existing male attitudes are there, perhaps very  
27 deeply ingrained amongst the staff generally, and you have a  
28



1 prospective warden appointee who has a position on the record of  
2 not condoning or approving of such conduct, the question I would  
3 ask is: Can you impute to him knowledge of the various  
4 individual acts complained of by the people who appeared here  
5 today? If you concede everything to be true that has been said  
6 thus far, can you impute that knowledge to Mr. Campoy and say  
7 he's turned his back on it?

8 CHAIRMAN ROBERTI: Well, I appreciate that point, too.  
9 Maybe Mr. Campoy is the one to answer. Mr. Campoy's been at the  
10 prison for 39 years.

11 I tell you, and I'm held accountable -- sometimes I  
12 think quite unfairly -- for actions of my peers, people who I  
13 don't even have a chance of appointing; the public has sent them  
14 here, but I get to be the leader. It's hard enough being  
15 accountable, you know, for your own peccadillos.

16 I tell you, in my position there is no understanding of  
17 the argument: Well, Senator, you're not the one that elected  
18 them. And I'm held accountable for attitudes and actions of my  
19 staff. Sometimes I don't know what they're doing, believe it or  
20 not. But somewhere, as Harry Truman said, the buck's gotta stop  
21 somewhere.

22 You can't say: Well, I didn't know it and I didn't see  
23 it. Well, then who is the public going to hold accountable?

24 I understand the position Mr. Campoy, in a very tough  
25 job, is in, but the buck stops somewhere. And I would say 39  
26 years, you know something. If you don't know this has been going  
27 on, and I don't think Mr. Campoy's gone that far, then that may  
28 even bespeak worse of the situation.

1 But once again, we haven't heard those who work at the  
2 prison in detail speaking in his defense and on his behalf, which  
3 I want to do.

4 MR. HINTZ: Thank you very much.

5 CHAIRMAN ROBERTI: Thank you, Mr. Hintz.

6 LT. ZINK: Mr. Roberti and Senate Committee, my name is  
7 Joyce Zink. I'm presently employed at Folsom Prison as a  
8 Correctional Lieutenant.

9 I was the first woman to be employed there as a  
10 correctional officer. I would like to give you a little  
11 background information on myself.

12 I'm not new to the Department of Corrections. I was  
13 first employed by the California Department of Corrections as a  
14 Women's Correctional Supervisor I at the Women's Prison,  
15 California Institution for Women, in October of 1970. My  
16 position was equivalent at that time to a correctional officer in  
17 a male institution.

18 In 1972, I transferred to San Quentin State Prison and  
19 became the first woman correctional officer at that facility. In  
20 1973, I transferred to Folsom State Prison, where I became the  
21 first woman officer at that institution. I continued in that  
22 capacity until 1978.

23 In addition to the California Institution for Women, San  
24 Quentin State Prison, and Folsom State Prison, I have also been  
25 employed at the Correctional Training Facility at Soledad as a  
26 Correctional Program Supervisor I; at the California Institution  
27 for Men in Chino as a Correctional Program Supervisor II; and at  
28 the Department of Corrections headquarters as a Training Officer.



1 My career has also offered me the opportunity to return  
2 to San Quentin State Prison as a Correctional Sergeant and also  
3 eventually to return to Folsom State Prison as the first woman  
4 correctional sergeant in 1980. I have remained at Folsom State  
5 Prison since 1980, and have been promoted since then to become,  
6 again, the first female Correctional Lieutenant.

7 I give you this background so as to establish my  
8 credentials and credibility, as what may be considered as an  
9 expert witness on breaking new ground in previously all-male  
10 prisons.

11 To be perfectly frank, being the first at anything is  
12 not easy. You are under scrutiny, and your performance is viewed  
13 on a continuing basis.

14 This is not exclusive to Folsom Prison or the Department  
15 of Corrections in general. Look at the publicity and scrutiny  
16 received by Sally Ride when she became the first woman in space.  
17 There is, however, a flip side to that coin. As in Sally Ride's  
18 case, women who achieve firsts receive inordinate honor and  
19 recognition. Witness the honors afforded Sally Ride by the media  
20 and bodies such as the Senate of the State of California. In the  
21 recent history, the male astronauts have not received this  
22 recognition.

23 It has been my experience over the past 15 years that  
24 the administration of the Department of Corrections and Folsom  
25 Prison seek out women who wish to apply themselves and advance  
26 within the structure of the organization. I personally have  
27 taken the opportunities that were presented to me and utilized  
28 them to my best advantage.

1 I have not expected a free ride, so to speak, and  
2 believe that I have earned all that I have received.

3 Recently there has been considerable media coverage of  
4 complaints made by present and former employees at Folsom Prison.  
5 I personally know all of these women, and have supervised most of  
6 them. I was working at Folsom Prison when they arrived, and  
7 still there after they have left.

8 Now, I personally don't feel that I am unattractive to  
9 members of the opposite sex. But I'm beginning to have doubts in  
10 the past few weeks. Where have I been when sexual harassment has  
11 been running rampant at Folsom State Prison? Why haven't I been  
12 approached?

13 I can honestly say that I have never in my career with  
14 the California Department of Corrections been harassed or  
15 propositioned by a supervisor or a peer.

16 Now, I don't believe there is any secret as to why this  
17 hasn't happened. I have always conducted myself in a  
18 professional manner, and as such, have not encouraged such  
19 behavior. I believe that in all circumstances, you are treated  
20 exactly the way you want and demand through your actions as well  
21 as words.

22 I personally have never witnessed, nor have I been  
23 harassed or discriminated against because I am a female. On the  
24 contrary, supervisors and administrators at Folsom Prison and the  
25 Department of Corrections have extended themselves in assisting  
26 me in my career.  
27  
28

1           As I understand it, the purpose of this Committee  
2 meeting here and now is to consider Mr. Joe Campoy for  
3 confirmation as Warden of Folsom Prison. I would like for you to  
4 know that it was Mr. Joe Campoy who, as captain in 1973, hired me  
5 as the first woman correctional officer at Folsom Prison.

6           I have no doubt that Mr. Campoy faced some resistance  
7 when he made the decision to employ me, but he took that risk. I  
8 have worked for Mr. Campoy while he has occupied the positions of  
9 Captain, Associate Warden, Chief Deputy Warden, and Warden.

10           I can very honestly say that Mr. Campoy has always been  
11 available to me when I have a concern or problem that needs his  
12 attention.

13           Any person that says that Joe Campoy is insensitive or  
14 uncaring surely is misstating a fact or obviously doesn't know  
15 Mr. Campoy.

16           Joe Campoy is well known to inmates, as well as staff,  
17 as being a fair and concerned individual. Mr. Campoy is not an  
18 extrovert, and doesn't demand recognition in the media for all  
19 the things he has done to help others over the years. He clearly  
20 believes that doing the right thing, so to speak, is his duty as  
21 a human being as well as a correctional administrator.

22           In closing, I would just like to say that as a female  
23 secondly, and a correctional employee primarily, I urge you with  
24 all my heart to confirm Mr. Joe Campoy as Warden of Folsom State  
25 Prison.

26           Thank you.  
27  
28



(Applause.)

CHAIRMAN ROBERTI: Thank you, Officer. What's your rank?

LT. ZINK: Correctional Lieutenant.

CHAIRMAN ROBERTI: You're a lieutenant?

LT. ZINK: Yes, sir.

CHAIRMAN ROBERTI: The women who've testified, I don't recall, but I don't believe any of them have the rank of lieutenant, if I'm not mistaken.

Would you consider it plausible that your higher rank may be one reason why some people who might make an advance at one woman would not make it at you?

The fact is that sexual harassment has many reasons, but one is often that the victim is considered subordinate and therefore not in a position to respond.

LT. ZINK: I'd like to make a statement on that.

When I first started, you know, I was the first female at San Quentin as an officer. At no time, again, was I harassed or discriminated.

I think, again, it's going back to professionalism; it's how you conduct yourself. That's the same thing that happened at Folsom. When I was the first female officer there, I had no problems either in that area. And as I went through the ranks, it's the same thing. Again, I go back to professionalism and how you conduct yourself.

CHAIRMAN ROBERTI: I agree with you in part. I think at times it is an issue of professionalism as to why at times some people are the recipients of harassment and others aren't.

1           However, there's an awful lot of sexual abuse and sexual  
2           improprieties that take place in, say, business, and it's hard  
3           for me to believe that the victim is always one who received the  
4           abuse because she was acting in an unprofessional manner.

5           At the times the victim does court the problem. But  
6           more often than not, it's simply because of some chemistry that  
7           goes on; she's singled out for the victimization.

8           And your whole history being the first one who was  
9           always being observed may indicate in my mind why you were not  
10          singled out. Then, when you finally got to Folsom, I take it, I  
11          may be wrong, your experience and your rank put you at a higher  
12          level, and once again you were not singled out.

13          So, I agree in part with what you say. Certain conduct  
14          invites response. But I tend to think that in most cases it's  
15          not that; it's just people just get singled out and others don't.  
16          And to try to give a rational answer for irrational behavior, I  
17          would think, would put us all in a wild goose chase that we  
18          wouldn't want to engage in. We're talking about irrational,  
19          improper behavior. And I could fully understand, therefore, why  
20          somebody can testify and say: All is fine; and other women can  
21          come up and say: Hey, that's not the case.

22          That's my thought on the matter.

23          Senator Craven, did you have a question?

24          SENATOR CRAVEN: Just to pickup on the early part of  
25          your comment, Mr. Chairman. I would just remind the Committee  
26          that this lady did not begin as a lieutenant. She was at the  
27          lowest rank in her professional pursuit, and she, I guess, was  
28



1 just as subject to the improprieties as have been alleged were  
2 vested upon others as they were. But because of the manner in  
3 which she conducted herself, she just didn't experience that.

4 So, I think her point is very well made. That's not in  
5 any way to deprecate your comments, but I would just remind you  
6 that she's gone through the whole system. She's somewhat like  
7 Mr. Campoy. He started at the bottom and he rose to the very  
8 top. And I guess she's on her way to doing the same thing.

9 CHAIRMAN ROBERTI: If you go along, Senator, in the  
10 State Senate you get along. It's the same thing in prisons, I  
11 would venture to say.

12 I don't want to deprecate your comments, either, but I'm  
13 fearful you're deprecating the comments of some of the witnesses  
14 who may have altogether different experiences.

15 It's just not a case of conducting yourself  
16 professionally. There is sexual harassment that goes on, you  
17 know, very proper, well brought up young women are sexually  
18 harassed, and it has nothing to do with their conduct. And I  
19 don't mean just in the prisons, but I mean everywhere.

20 SENATOR CRAVEN: That's true, but there are some cases,  
21 I think you will have to stipulate, that it has something to do  
22 with their conduct.

23 CHAIRMAN ROBERTI: I'll stipulate to that, sure. That's  
24 only in my mind a small part of it.

25 If it weren't a small part of it, we might as well close  
26 all the jails in town because, you know, the answer then is  
27 anybody who engages in sexual abuse, it was the victim that  
28 invited it. That's fine; that answers all our problems.

1           SENATOR CRAVEN: I think another point is, Mr. Chairman,  
2 you know, there's been a tendency to look at some of the contra  
3 witnesses and try to evoke how bad was it really, and have them  
4 be a little more explicit, or talk about the more demeaning  
5 things. And now you're hearing testimony on the other side, and  
6 you have a tendency to reject it.

7                               (Applause.)

8           CHAIRMAN ROBERTI: I'm not rejecting it. When  
9 Lieutenant Zink states that she was not victimized, or has not  
10 been victimized, I believe it.

11           Simply because her experience is one thing doesn't mean  
12 somebody else's experience wasn't something else.

13           The fact that somebody's wife may not have been raped  
14 doesn't mean somebody else's wife wasn't. People have different  
15 experiences. And that doesn't mean that one person's experience  
16 holds for another.

17           Sexual harassment takes place in the world where some  
18 people have never been subjected to it and don't know what you're  
19 talking about.

20           SENATOR CRAVEN: That may be true, but I wouldn't want  
21 you to have the feeling that because these other people have  
22 testified, as I said, on the contrary side, that that is the  
23 pervasive thing. In other words --

24           CHAIRMAN ROBERTI: That's what we're trying to find out,  
25 how pervasive it is.

26           SENATOR CRAVEN: I think you're going to find --  
27  
28

1 CHAIRMAN ROBERTI: But the world won't learn anything if  
2 you and I argue about it, so let me see who was next.

3 Senator Doolittle.

4 SENATOR DOOLITTLE: I believe sexual harassment can  
5 occur unsolicited, but this is the Rules Committee, and the  
6 subject is the confirmation of Mr. Campoy.

7 One of the things that makes this so difficult is, we've  
8 heard a number today, several stories, and last week several, and  
9 we're tending to accept those at face value, even though the  
10 testimony is not given under oath, and even though I am aware of  
11 testimony that could be given that would contradict, or shed  
12 additional light upon some of those stories that have been given.

13 That's not to suggest that they're necessarily  
14 untruthful; some may be, but we'll never know because all we've  
15 heard are the allegations that were made, and since Mr. Campoy is  
16 the subject of the confirmation, we're not equipped, like a court  
17 of law, with cross examination with counsel to represent  
18 everybody and to dig into this through the powers of discovery  
19 and so forth, to shed all the light that would have to be shed to  
20 really verify what is and what isn't.

21 But I'd like to ask you, Lt. Zink, if you would agree  
22 with the representation that the oppressive atmosphere is so  
23 pervasive at Folsom that for a junior female correctional officer  
24 to try and buck the trend, and report sexual harassment to her  
25 superiors would be futile.

26 Do you agree with that?  
27  
28



1 LT. ZINK: If I'm understanding you right, I don't think  
2 it would be futile. There are resources available at Folsom  
3 Prison. I've had to deal with two sexual harassments myself.

4 SENATOR DOOLITTLE: You mean people over whom you  
5 preside who have filed --

6 LT. ZINK: My subordinates, my officers. They have come  
7 forth and I did handle those situations, and they were resolved.

8 SENATOR DOOLITTLE: Were they resolved --

9 LT. ZINK: To the satisfaction of the victim.

10 SENATOR DOOLITTLE: And at your level, so they didn't  
11 have to be appealed?

12 LT. ZINK: Right. I handled right at my own level.

13 SENATOR DOOLITTLE: And are you aware that this is  
14 generally the case within the prison? Are you aware there are  
15 many dissatisfied officers who feel that they've not been  
16 accorded the fair treatment they felt they deserved when they  
17 filed their complaints?

18 LT. ZINK: I'm unaware of many officers, if you're  
19 saying there's many officers involved, of any kind of sexual  
20 harassment complaint. If there is, you know, there are resources  
21 there available to them.

22 As it stands now, I only had to deal with two of them.

23 SENATOR DOOLITTLE: And in those two, they were resolved  
24 satisfactorily?

25 LT. ZINK: They were resolved, yes.

26 SENATOR DOOLITTLE: Thank you.

27 CHAIRMAN ROBERTI: Senator Petris.  
28

1           SENATOR PETRIS: Lieutenant, did you conclude in those  
2 two cases that the victim caused the problem by inviting it  
3 through nonprofessional conduct?

4           LT. ZINK: There was different circumstances involved in  
5 this sexual harassment, and it was more her word against his.

6           SENATOR PETRIS: Well, isn't that always the case?

7           LT. ZINK: That's not always the case.

8           SENATOR PETRIS: Unless there's some other witness  
9 standing there and sees it.

10          LT. ZINK: There was no, you know, witness available.  
11 It was more her word against his, and I had to investigate, and  
12 you know --

13          SENATOR PETRIS: In your investigation, did you reach a  
14 conclusion in either case, either one or the other, that it was  
15 the woman's fault, and it was her conduct that caused the  
16 problem?

17          LT. ZINK: No, ended up being the male's fault.

18          SENATOR PETRIS: I got the impression from your  
19 testimony that if you conduct yourself professionally, you don't  
20 have these problems. Now you tell us that you've had two cases,  
21 the only two you've had, and in neither case did the woman cause  
22 the problem.

23          Now, was your prior statement accurate, or is this  
24 statement accurate?

25          LT. ZINK: Well, I'm talking about myself and the women  
26 that I'm aware of.

27

28



1           SENATOR PETRIS: You're aware of two in an official  
2 capacity.

3           LT. ZINK: The ones I dealt with?

4           SENATOR PETRIS: Yes.

5           LT. ZINK: Yes.

6           SENATOR PETRIS: In those two cases it was not the  
7 women's fault?

8           LT. ZINK: Not to my knowledge it wasn't.

9           SENATOR PETRIS: Now, I admire your loyalty to the  
10 chief. I think that's commendable. And I think we need a lot of  
11 that, probably a lot more than we have in some of our  
12 institutions, as a matter of fact, both public and private.

13           But I want to ask you, you are trained by the book, and  
14 you think we should all live by the book and follow the  
15 regulations?

16           LT. ZINK: We have rules and regulations to go by.  
17 That's what they're set up for. That's what I go by.

18           SENATOR PETRIS: And you believe in following them?

19           LT. ZINK: Well, they're there for application purposes.  
20 That's why they're written. If you don't use them, what's the  
21 purpose of having a rule book or any guidelines?

22           SENATOR PETRIS: I think you're right.

23           You are married to Captain Zink?

24           LT. ZINK: That's correct.

25           SENATOR PETRIS: How long?

26           LT. ZINK: About 13 years.

27

28

1           SENATOR PETRIS: Would you say that being married to a  
2 captain might have something to do to help you feel protected  
3 with respect to any sexual harassment? Do you think that might  
4 have some influence?

5           LT. ZINK: I don't believe that.

6           SENATOR PETRIS: All right.

7           Let me ask you, where are you working now? Are you at  
8 Folsom now?

9           LT. ZINK: Yes, I am.

10          SENATOR PETRIS: In what capacity?

11          LT. ZINK: I'm a Correctional Lieutenant at Camp  
12 Repressa.

13          SENATOR PETRIS: Camp what?

14          LT. ZINK: Repressa.

15          SENATOR PETRIS: Your husband is also a correctional  
16 officer?

17          LT. ZINK: He's a Correctional Captain.

18          SENATOR PETRIS: How long have you been at Repressa?

19          LT. ZINK: About two months.

20          SENATOR PETRIS: Where were you before that?

21          LT. ZINK: I was the Personnel Lieutenant.

22          SENATOR PETRIS: At Folsom?

23          LT. ZINK: Yes, sir.

24          SENATOR PETRIS: Does that mean working in an office?

25          LT. ZINK: Yes.

26          SENATOR PETRIS: What was the reason for your transfer  
27 to Repressa?

1 LT. ZINK: Just another assignment.

2 SENATOR PETRIS: Was it routine, or was it requested by  
3 you?

4 LT. ZINK: No, it wasn't requested. The institution  
5 could assign me where ever they knew, you know, that I could be  
6 of use.

7 SENATOR PETRIS: How long were you in Personnel at  
8 Folsom before you were transferred?

9 LT. ZINK: A year.

10 SENATOR PETRIS: Was your husband also working in the  
11 same place at that time during that year?

12 LT. ZINK: Yes, he was.

13 SENATOR PETRIS: Was he in a supervisory capacity? I  
14 guess he ranks higher; he's a captain, so he's got some greater  
15 responsibility.

16 LT. ZINK: Yes.

17 SENATOR PETRIS: Didn't those duties of his include  
18 supervision of your work?

19 LT. ZINK: My direct supervisor was another -- it was  
20 the Associate Warden.

21 SENATOR PETRIS: It was an Associate Warden?

22 LT. ZINK: Yes.

23 SENATOR PETRIS: What was his name?

24 LT. ZINK: Mr. Eckels.

25 SENATOR PETRIS: Isn't it true that Captain Zink in a  
26 capacity in the same shop or unit, or whatever it's called?

27 LT. ZINK: Yes, he worked in the same division.  
28

1 SENATOR PETRIS: Isn't that a violation of the rules?

2 LT. ZINK: He was not my direct supervisor.

3 SENATOR PETRIS: Do the rules say direct supervisor?

4 LT. ZINK: Direct and indirect.

5 SENATOR PETRIS: Isn't it true that you were transferred  
6 the day after publicity was given to charges of nepotism, the  
7 very next day you were transferred out of there so you wouldn't  
8 be near your husband?

9 LT. ZINK: I can't recall the day, the exact day on  
10 that, but I recall the news article.

11 SENATOR PETRIS: That was a couple of months ago, pretty  
12 much around the time of your transfer; wasn't it?

13 LT. ZINK: I don't remember the exact date on that.

14 SENATOR PETRIS: Thank you.

15 CHAIRMAN ROBERTI: Next witness.

16 MS. SLAYTON: Mr. Chairman, Members of the Committee, my  
17 name's Kathleen Slayton. I'm a correctional officer at Folsom  
18 State Prison.

19 I've worked for the Department of Corrections since  
20 1971. I originally worked in the clerical field, and then in  
21 1977 bridged the gap from the clerical field into uniform.

22 Prior to that, from 1976 to 1977, I was working for the  
23 Assistant Director of Human Relations, Equal Opportunity  
24 Division, which deal with affirmative action and also dealt with  
25 complaints such as sexual harassment and any employee complaints.

26 I have first-hand knowledge that training was given at  
27 the institutions to officers and to staff regarding both sexual  
28



1 harassment and problems. As a matter of fact, one of the women  
2 who testified, Ms. Hallstrom, was a Women's Liaison Council  
3 representative and did receive training. And I believe that was  
4 around 1978.

5 Also, in speaking in regards to the charges of nepotism,  
6 I'm married to another correctional officer. He's now a  
7 correctional sergeant who no longer works at Folsom, but this is  
8 nothing new. As a matter of fact, Week Night, on Channel 3, in  
9 the series they did on Folsom dealt with a husband and wife team  
10 working at that institution. And all of a sudden, from Mr.  
11 Campoy's confirmation hearing, it's like it's a big surprise that  
12 there are other family members working together. I don't really  
13 understand why it's brought up in that manner, other than some of  
14 these women maybe do have an axe to grind.

15 CHAIRMAN ROBERTI: I think that this is inevitable. It  
16 happens anytime you're dealing with an employer-employee  
17 situation.

18 But in my mind, good administration indicates that you  
19 have to try to keep situations of nepotism that occurs  
20 everywhere, and it's not necessarily bad, but you try to keep it  
21 down to some sort of a minimum, otherwise there are going to be a  
22 lot of hard feelings. Somebody's going to feel, rightly or  
23 wrongly, that the reason why they get one kind of treatment and  
24 somebody else gets another kind is simply because of a  
25 relationship. And that's why you've got to try to keep it down.  
26 It happens, and sometimes quite legitimately. You know, two  
27 related people just happen to be the best people for a given job.  
28



1 But at Folsom, the number of interrelationships -- I  
2 don't have the numbers. Out of roughly 800 employees, what was  
3 our figure of those people who are relation to one another? It's  
4 157 out of 830. That's pretty high.

5 Now, even if every one of those interrelationships were  
6 legitimate, the people in charge should know that this going to  
7 cause hard feelings. This is going to cause disruption of morale  
8 when it's 157 out of 830.

9 So your point is correct, hey, this has been going on;  
10 why the surprise. My surprise, or my shock isn't so much as to  
11 every one of these 157 was illegitimate. I'm not saying that.  
12 It's that good administration, in my mind, would have kept that  
13 down to a minimum, would have been careful; otherwise, you have  
14 bad administration. You build in hard feelings; you build in  
15 animosity.

16 MS. SLAYTON: Mr. Roberti, in working -- my husband and  
17 I were peers for a long time. Staff was very careful, and I will  
18 say I think one time we were working in an area in the same area  
19 when an incident went down, and that was one time in five years.  
20 Other than that, we mostly worked opposite ends of the  
21 institution where we were not in direct contact.

22 In speaking of the support of staff for requested  
23 training, when I started in 1977, I had some trouble on the  
24 range, and I went to my supervisor and requested training. They  
25 said: If you get other people who are interested in shooting,  
26 and getting some practice, we'll be glad to help you out. I got  
27 ten mostly women together, and we got that support, and we got  
28 that training that was requested.

1           So, if supervisors are made aware, over all, I'm sure  
2           that there's some cases, but I've found that my supervisors have  
3           always been extremely supportive of any problem that I've had at  
4           Folsom.

5           CHAIRMAN ROBERTI: Senator Doolittle.

6           SENATOR DOOLITTLE: How long have you been married while  
7           you worked at Folsom?

8           MS. SLAYTON: While I've worked at Folsom?

9           SENATOR DOOLITTLE: Uh-huh.

10          MS. SLAYTON: The whole time. That's the reason I  
11          transferred to Folsom.

12          SENATOR DOOLITTLE: To be married, you mean?

13          MS. SLAYTON: No, I had moved to Sacramento from another  
14          county, and my husband was already working for the Department of  
15          Corrections in the transportation division.

16          SENATOR DOOLITTLE: What is your position now at the  
17          Department of Corrections?

18          MS. SLAYTON: My position, I'm -- I work in the  
19          Investigation Unit.

20          SENATOR DOOLITTLE: And your level, your title?

21          MS. SLAYTON: I'm a correctional officer.

22          SENATOR DOOLITTLE: So, do you supervise other  
23          employees?

24          MS. SLAYTON: Supervise other employees? No, the unit I  
25          work in mainly deals with interviews after stabbings happen, also  
26          inmate interviews. I in no way get involved in staff  
27          investigations.  
28

1           SENATOR DOOLITTLE: Have you ever experienced sexual  
2 harassment?

3           MS. SLAYTON: No.

4           SENATOR DOOLITTLE: Are you aware of anybody who has?

5           MS. SLAYTON: In making reference to a retired sergeant,  
6 I'm aware of things that he's done. He made a comment to me one  
7 time, and I let him know in no uncertain circumstances did I  
8 appreciate his comments, and I never again had a problem. I  
9 didn't feel I had to take it any farther than that one person.

10          SENATOR DOOLITTLE: Thank you.

11          CHAIRMAN ROBERTI: What did you say your husband's rank  
12 was?

13          MS. SLAYTON: Currently?

14          CHAIRMAN ROBERTI: Yes.

15          MS. SLAYTON: Currently he's a correctional sergeant,  
16 and he works out of Sacramento for the Transportation Unit for  
17 the Department of Corrections.

18          CHAIRMAN ROBERTI: Has he ever had a position higher  
19 than correctional sergeant?

20          MS. SLAYTON: No, sir. If anyone had an opportunity,  
21 well, I'm in a position where my husband's out of town. I think  
22 if someone was going to be approached, I'm sitting in a real good  
23 spot, you know. I hate to sound this way, but I think a lot has  
24 to do with your conduct.

25          CHAIRMAN ROBERTI: You raised one of the perennial  
26 arguments that comes on the Floor every time we deal with issues  
27 of legislation dealing with how we're going to treat sexual  
28

1 harassment. There are those who say it deals with conduct of the  
2 person who says she's harassed, and those who say that conduct of  
3 the person harassed has very little to do with it, and we go on  
4 and on and on debating this issue.

5 Thank you very much.

6 Senator Petris.

7 SENATOR PETRIS: Just briefly, I want to know a little  
8 bit more about your duties. You say you were a clerical from  
9 1971, then you went into uniform?

10 MS. SLAYTON: I worked in the Records Office at Sierra  
11 Conservation Center from 1971 to 1974, then transferred to  
12 Central Office Records in Sacramento for 6 months, then to Folsom  
13 Records to two years. At that time I promoted in the clerical  
14 field and --

15 SENATOR PETRIS: Promoted into what?

16 MS. SLAYTON: Promoted to at that time the  
17 classification was Senior Clerk Typist, and worked in the Human  
18 Relations Equal Opportunity Division at headquarters in  
19 Sacramento. At that time, Dorothy Robey was the Assistant  
20 Director of Human Relations Equal Opportunity Division and Gail  
21 Lewis was the Women's Program Manager.

22 SENATOR PETRIS: What years were those?

23 MS. SLAYTON: That was 1976 to November of 1977, when I  
24 went in uniform.

25 SENATOR PETRIS: From '77, you went into uniform and  
26 into Folsom?

27 MS. SLAYTON: That's correct.  
28



1           SENATOR PETRIS: Have you been doing this investigative  
2 work since that time?

3           MS. SLAYTON: No, sir.

4           SENATOR PETRIS: Where are you now?

5           MS. SLAYTON: Where am I now? Okay, I worked in various  
6 job assignments up until -- probably -- I think it was 1983 when  
7 I went to the Investigation Unit. I currently -- I've been  
8 working in there and I also work other assignments.

9           SENATOR PETRIS: These other ladies who've testified  
10 with complaints about harassment were on the line, so to speak.  
11 A couple of them were in the tower for a while; they talked about  
12 the gun walk.

13           Have you had those kind of duties?

14           MS. SLAYTON: Yes, sir. At the time that I started,  
15 there was 15 women between three shifts. And I've worked all the  
16 assignments they've worked, including the Security Housing Unit,  
17 which is one of the areas attacked. A month ago I worked in the  
18 Security Housing Unit on third watch, which is the 3:30 to 11:30  
19 shift.

20           SENATOR PETRIS: So, even though you're doing pretty  
21 much office work, since you're a correctional officer you could  
22 be assigned into one of those line jobs any time?

23           MS. SLAYTON: Yes, sir, and I do work them.

24           SENATOR PETRIS: When's the last time you did?

25           MS. SLAYTON: I worked a tower position the first of  
26 this month, it was either the first or third, on third watch.

27           SENATOR PETRIS: For how long?  
28



1 MS. SLAYTON: And I worked -- it was on an overtime  
2 shift. I've been in my job assignment for quite a while.

3 SENATOR PETRIS: What are your normal hours in  
4 investigative work? Are you in the daytime or nighttime?

5 MS. SLAYTON: Yes, 7:30 to 3:30.

6 SENATOR PETRIS: When you go to that last assignment,  
7 was it during the same hours?

8 MS. SLAYTON: I was working 3:30 to 11:30 shift on  
9 overtime.

10 SENATOR PETRIS: That's in addition to your other work?

11 MS. SLAYTON: Yes, sir.

12 SENATOR PETRIS: Thank you.

13 CHAIRMAN ROBERTI: Thank you very much, Officer.

14 MR. LEONARD: Could I address? Let's keep this equal.

15 CHAIRMAN ROBERTI: Very good.

16 MR. LEONARD: My name is Thomas Leonard, and I'm here  
17 representing the business and professional community of  
18 Sacramento County.

19 CHAIRMAN ROBERTI: Thank you.

20 MR. LEONARD: I am the President of Victor Glass,  
21 Incorporated and Leonard Energy Systems, Incorporated.

22 We presented to the Committee a petition, or a letter of  
23 support, for Mr. Campoy, and I believe you have it.

24 Do you want me to read it?

25 CHAIRMAN ROBERTI: Yes, you could read it into the  
26 record, I think that would be helpful. However, we do have it,  
27 but I think for the press and the audience, it wouldn't hurt for  
28 you to read it.

1 MR. LEONARD: Thank you.

2 This is a letter we composed to Senator David Roberti,  
3 Chairman, Senate Rules Committee, State Capitol, Sacramento,  
4 California, dated February 22, 1985:

5 "We the undersigned citizens of the  
6 business, professional and private  
7 sector of the greater Sacramento  
8 metropolitan area hereby express  
9 our support for the appointment of  
10 Joseph Campoy to the position of  
11 Warden at Folsom State Prison.

12 "We know Mr. Campoy as a man  
13 of honesty, integrity and fairness  
14 in his dealings both with inmates  
15 and personnel."

16 I have submitted 90 signatures to the Committee, and we have more  
17 coming in on a daily basis.

18 I also worked at Folsom Prison. I started in September  
19 of 1961, and worked through September of 1971. I reached the  
20 rank of correctional sergeant before I went into private  
21 business.

22 That is the reason I'm here testifying for Mr. Campoy.  
23 I've known him for 24 years. I've known him to be a fair and  
24 honest man, and I don't think that in the State of California  
25 that you have a better man for the position of Warden than Joe.

26 We have gotten support from the broad range of the  
27 community in Sacramento: from the construction industry; the  
28

1 auto industry; the manufacturing industry; the professional  
2 trades; the labor and the educational fields. Our support comes  
3 from businessmen of the Black, Hispanic, Jewish communities as  
4 well as the white communities.

5 We have some questions to raise to this Committee, too.  
6 One of the questions that we have is: Outside of an internal  
7 investigation, why none of these people ever went to the County  
8 Grand Jury and made a formal complaint to the Grand Jury?

9 I personally, or members of my family, or businessmen,  
10 we contacted Norm Waters, Phillip Isenberg, Leroy Greene, and  
11 John Garamendi, and we've posed the same question: Have you ever  
12 had a constituent write a letter to you about sexual harassment?  
13 And the answer was: No.

14 The only complaint that we've received, and I received  
15 that personally from Leroy Greene, was that the inmates' families  
16 complained of not being able to come to the prison during  
17 lockdowns.

18 CHAIRMAN ROBERTI: Let me interject, because you posed  
19 it as a question, rhetorical, but I'd like to interject.

20 Your point is one that has been raised by others quite  
21 legitimately; it's a concern of theirs.

22 But frankly, for people to step forward, it's a very  
23 heavy step. And generally what anybody needs, and not just a  
24 woman who's working in a prison, but Legislators, Senators, to  
25 step forward and to do something rather controversial or radical,  
26 you have to build your courage up. You have to think about it.  
27 You have to spend time delving into it.  
28

1           Generally what you need is a catalyst. Usually a  
2 catalyst is something that you read about in the paper, an event  
3 that's taking place, and one person stepping forward at some  
4 point because there was a catalyst causes others also to step  
5 forward.

6           Once people think there are a number of people who are  
7 going to take their side, they feel stronger about it. To expect  
8 one person all by herself to step up, when she has no feeling  
9 that anybody else is going to join her, even though they may have  
10 cause to, I don't think it's unreasonable to want to know why she  
11 didn't step forward. People want to have the feeling that  
12 someone else is coming up with them, and usually it's an event, a  
13 catalyst of this nature, that causes them to step forward.

14           Not too many people want to weather a hurricane all by  
15 themselves without even a friend.

16           So, others have raised your point, and it's a legitimate  
17 one that is raised in all candor and honesty, but it's not one  
18 that I personally accept. Other Members of the Committee just  
19 may, but --

20           MR. LEONARD: May I answer that, Senator?

21           I don't buy your contention at all.

22           CHAIRMAN ROBERTI: Pardon?

23           MR. LEONARD: I don't buy that at all.

24           And I'll tell you, we in the private sector got our  
25 information solely from the newspapers. We saw this as an  
26 indictment by the media. They were attacking a man that I  
27 personally knew of integrity.  
28



1           And we went out and formed this letter of support, and  
2 there are some very prominent names on this. And it doesn't take  
3 courage to do that. It takes the knowledge that what you're  
4 doing is right.

5           We know that we are right in supporting Mr. Campoy.

6           It's not -- I can't buy that contention that you stand  
7 alone. You're a Senator. If you were in my district, and I  
8 called you --

9           CHAIRMAN ROBERTI: I don't think neither you nor I are a  
10 woman who's been sexually harassed and has to tell her story, as  
11 some of those women have had to tell their stories.

12           And yeah, when they come up and talk to a panel of men  
13 and an audience, mostly men, and say they were sexually harassed,  
14 yeah, I think it takes some guts. It's a feeling you and I have  
15 never had to experience, I would venture to say.

16           Do you get the contention that Senator Craven's going to  
17 shoot me if I don't give him a chance to respond?

18           SENATOR CRAVEN: I would never do that. I might wind up  
19 at Folsom.

20                           (Laughter.)

21           SENATOR CRAVEN: My point, Mr. Chairman, really went  
22 back to one of your early statements which was picked up by the  
23 witness, too, but I might add in part.

24           It really doesn't take too much courage to get in touch  
25 with a Grand Jury. All you have to do is sit down and write a  
26 letter. That's the way most people get in touch with Grand  
27 Jurors, unless, of course, they're hailed in there by the  
28 district attorney, and that's a little different.



1 CHAIRMAN ROBERTI: Voluntarily or involuntarily, I bet  
2 neither you nor I, Senator, are going to be sending too many  
3 letters to Grand Juries. We just don't like doing that kind of  
4 thing, and we're no different than any other person.

5 SENATOR CRAVEN: Grand Juries get more letters from more  
6 nuts than this world will ever know. Just ask a Grand Juror.

7 One thing that, of course, comes to my mind is this,  
8 that perhaps they didn't do this because none of the allegations  
9 are basically a violation of law. It's not a criminal offense.  
10 Grand Juries are charged with the upholding of the law and the  
11 investigation of crime. I don't think harassment falls into that  
12 category; does it?

13 CHAIRMAN ROBERTI: Incident by incident, probably not.  
14 It's hard to say.

15 SENATOR CRAVEN: I just looked at it that way. Enough  
16 of that.

17 CHAIRMAN ROBERTI: Mr. Leonard, continue.

18 MR. LEONARD: Another thing that we have arrived at is  
19 that a lot of these incidents happened before Mr. Campoy was even  
20 an Associate Warden. But, how far back can you hold him  
21 responsible for this prison system?

22 As a private citizen, I look at this as an indictment of  
23 the whole society, the Department of Corrections, and my  
24 business. I'm not saying that sexual harassment doesn't go on in  
25 business, because it does. You made a valid statement there.

26 But you can't hold me responsible for an employee, or  
27 something that happens and I'm not aware. Once I'm aware of it,  
28

1 then I can be held accountable for it, but I can't be held  
2 responsible for all the sins of my business if I'm not aware.  
3 And he can't be held responsible for all the sins of Folsom  
4 Prison. It's just not fair.

5 And I think that's a point we're trying to make here;  
6 his fairness. Is he getting a fair and impartial hearing, or are  
7 we all trying him in the media by supposition and allegations?

8 CHAIRMAN ROBERTI: Let me say what my impressions are  
9 right now, to the extent I've talked to Mr. Campoy. I think Mr.  
10 Campoy is a very honorable and honest man.

11 The issue before me that I'm trying to judge is not  
12 whether he is personally responsible for the incidents that took  
13 place, or whether he's responsible for the entire prison system.  
14 He certainly isn't any more than the State Legislature or State  
15 Legislators are.

16 The issue is to what extent should he have been in a  
17 position of authority, knowledgeable of what went on, if indeed  
18 it did go on. And people in positions of authority are  
19 responsible for conduct that they should have known was taking  
20 place in their jurisdiction.

21 Yes, there are instances where conduct takes place that  
22 you don't know about, and you are always, anybody in authority  
23 has to be given some allowance to be able to make a correction in  
24 his or her own way.

25 The issue is how much was going on; how much should he  
26 have known; and at what point did we, if we did, cross the magic  
27 barrier where so much conduct was taking place that at that point  
28

1 it is an indictment, not of Mr. Campoy personally, because I  
2 haven't heard of one allegation against Mr. Campoy personally,  
3 but an indictment upon the conduct of the prison to the point  
4 that maybe negligence was taking place.

5 I as an administrator, at both my office and the State  
6 Senate, would hate to be held accountable every time somebody  
7 does something wrong. But there comes a cumulative point where  
8 the administrator has to take action because enough has come to  
9 his or her attention that that action is at that point warranted.

10 Now, that's the point. How much was going on, and at  
11 some point, how much should Mr. Campoy have known?

12 I'm not answering my own question.

13 MR. LEONARD: I'm telling what I see. I see three  
14 allegations that I don't -- and they're not really on firm  
15 ground, but three allegations. And I don't think that his career  
16 of 39 years should be judged on three allegations that are  
17 unfounded.

18 I think that you have to look at his whole -- his whole  
19 career and talk to people who have worked with him and retired  
20 from him, who still have immense respect for Mr. Campoy. People  
21 who would have come here today if they were physically able.

22 I just don't think you could find a better man for that  
23 position in the State of California. And I honestly don't know  
24 why he'd want to run that garbage can.

25 (Applause.)

26 CHAIRMAN ROBERTI: Thank you very much, Mr. Leonard.  
27 You make a very valid point.  
28

1 Senator Petris.

2 SENATOR PETRIS: I don't have any questions for him, but  
3 I do want to ask a question that I forgot of Officer Slayton.

4 Your name came up earlier. Ms. Stanfield indicated that  
5 she saw some bad situations developing when they made the  
6 transfers recently following'--

7 MS. SLAYTON: She made the statement --

8 SENATOR PETRIS: She said that you had made an entry in  
9 a log book regarding what she had told you.

10 MS. SLAYTON: She stated that I interviewed her.

11 SENATOR PETRIS: Well, I don't think she said interview;  
12 I think she said she talked to you.

13 MS. SLAYTON: No, she said that I interviewed her and  
14 asked her two questions in April of '83.

15 SENATOR PETRIS: That's right. Then you're not the one  
16 who --

17 MS. SLAYTON: In April of '83, I was on an acting  
18 assignment for 60 days as a correctional sergeant on the first  
19 watch. And I was in Number 1 Housing Unit. She was making  
20 reference to Number 3 Housing Unit, so --

21 SENATOR PETRIS: Are you saying you didn't --

22 MS. SLAYTON: I think some records would have to be  
23 checked.

24 SENATOR PETRIS: You didn't interview her? At least,  
25 you don't recall --

26 MS. SLAYTON: I don't recall April of 1983, because I  
27 believe I was on that acting assignment on graveyard shift.  
28



1           SENATOR PETRIS: In case there's a date mix-up or  
2 something --

3           MS. SLAYTON: I will --

4           SENATOR PETRIS: Did you interview her at any other time  
5 for any comparable incident?

6           MS. SLAYTON: I worked with her in the visiting room of  
7 and on when I was assigned in visiting for quite a long time.  
8 And I worked with her. Now, if I've ever asked her any questions  
9 -- you know, I'm sure I have.

10          Yeah, I would have to look into a specific incident.  
11 She made reference to a homicide that had occurred in Number 3  
12 Housing Unit. I don't recall a homicide in Number 3 Housing Unit  
13 in April of 1983. I would have to check the records. And I  
14 don't recall working in 3 Building on -- I believe she said day  
15 watch, made reference that it was day watch. I'm not even sure  
16 what time.

17          I guarantee you, I made a note to check it.

18          SENATOR PETRIS: I think it would be helpful if you did.

19          I made an error. I thought that came up in connection  
20 with an entry in the log book, and you had nothing to do with  
21 that because you weren't on the line with her at that time.

22          MS. SLAYTON: I was on the line with her, sir, at that  
23 time. I've been on the line for seven years.

24          SENATOR PETRIS: But not necessarily with her, I mean,  
25 on that particular day.

26          MS. SLAYTON: I don't recall. I think the watch sheets  
27 would have to be checked, because I wasn't working in Number 3  
28 Housing Unit on that date.



1           SENATOR PETRIS: Getting back to the log book, which was  
2 my original purpose, you're not the one who made an entry in the  
3 log book at the time of this particular incident?

4           MS. SLAYTON: I don't believe I made an entry in the log  
5 book in Number 3 Housing Unit in April of '83. I don't think I  
6 was working in there.

7           SENATOR PETRIS: Thank you.

8           CHAIRMAN ROBERTI: I think it's an important point, and  
9 I think you should try to check.

10          Officer Stanfield, would you mind coming forward to help  
11 us out, if our facts are correct, or maybe we have a dispute  
12 here? I think it's an important point.

13          MS. STANFIELD: The inmate that was killed lived in 3  
14 Building; he was not killed in 3 Building. He was killed out on  
15 the weight pile.

16          Katie Slayton was working in Investigations under  
17 Sergeant Baber at the time when she interviewed me the following  
18 day.

19          CHAIRMAN ROBERTI: I was under the impression, and your  
20 statement gets us to another point, that the inmates were only  
21 injured.

22          Was one actually killed?

23          MS. STANFIELD: Yes, he was killed?

24          MS. SLAYTON: Are you sure that's not 1984?

25          MS. STANFIELD: '3.

26          MS. SLAYTON: That was 1984, I believe.

27  
28

1 MS. STANFIELD: Well, '83, '84, you interviewed me. It  
2 was Inmate Free who died.

3 CHAIRMAN ROBERTI: Are we talking about the same  
4 situation? Are we talking about these situations where --

5 MS. STANFIELD: The log book?

6 CHAIRMAN ROBERTI: Yes, there was a log book, and a log  
7 book was entered in response to the integration of cells.

8 MS. STANFIELD: Right. Officer Personius made the entry  
9 into the log book.

10 CHAIRMAN ROBERTI: And that was over the situation where  
11 there had been a court order -- I'm trying to see if we're all  
12 talking about the same thing -- no, we're not talking about the  
13 same thing.

14 MS. SLAYTON: No, sir.

15 SENATOR PETRIS: See, the court order followed a  
16 stabbing which was not fatal.

17 It was a separate, different, later. Apparently it was  
18 '84, a different incident.

19 MS. SLAYTON: I'm sure it was May 4th of '84. I'm very  
20 good on dates.

21 CHAIRMAN ROBERTI: May 4th of '84?

22 MS. SLAYTON: I'm was sure it was right around May 4th.

23 CHAIRMAN ROBERTI: I turned 45; I'd remember that one  
24 myself.

25 SENATOR PETRIS: Ms. Stanfield testified that she had  
26 been informed that there were weapons being slipped out or into  
27 some area, and that's when she took it up with her colleagues,  
28

1 and they just scoffed at it, told her to go home and have a  
2 drink.

3 CHAIRMAN ROBERTI: The court order took place when?

4 SENATOR PETRIS: The very next day somebody was killed.  
5 It's not related to the court order situation.

6 The next day somebody was killed, and it was after that  
7 that apparently she was interviewed.

8 Is that right?

9 MS. STANFIELD: I was interviewed the very next day by  
10 Katie Slayton, and she said that she would document that she had  
11 talked to me.

12 MS. SLAYTON: If I interviewed her, it would be in the  
13 file. I will check it. Also, at the time --

14 MS. STANFIELD: You were not -- you weren't working in 3  
15 Building. I passed you on my way to my post, and you asked me  
16 those few questions after you had looked at the log book.

17 MS. SLAYTON: If I investigated -- if I interviewed her,  
18 I would have a written report of that. It's very easy to check.  
19 I could check the record tomorrow at work.

20 CHAIRMAN ROBERTI: It would be interesting to us to see  
21 if there is a log and then what is in it.

22 MS. SLAYTON: Further, any time there's a reporting of  
23 weapons, it's the reporting officer's responsibility. We all  
24 take IST training, in-service training, on report writing. It is  
25 the individual officer's responsibility to report these  
26 incidents.

1           You can't expect someone else to write your reports all  
2 the time. Now --

3           MS. STANFIELD: Excuse me, but I reported --

4           CHAIRMAN ROBERTI: Let Officer Slayton continue.

5           MS. SLAYTON: If I did an investigation and interviewed  
6 you, I would have documentation of that.

7           What I'm saying is that in the transportation of  
8 weapons, normal procedure that a report would be submitted to a  
9 supervisor. You know, supervisors would be made aware --

10          MS. STANFIELD: Well, apparently --

11          CHAIRMAN ROBERTI: Officer Stanfield, let her finish.  
12 Please remember everything, and then you can rebut.

13          MS. SLAYTON: And most often, you know, a cell search or  
14 tier search, or housing unit search, whatever's necessary, is  
15 conducted.

16          CHAIRMAN ROBERTI: Thank you.

17          MS. STANFIELD: When I brought the weapon situation to  
18 the attention of my co-workers, I suggested that we do random  
19 searches of cells after showers. It was shot down. That's when  
20 I was ridiculed for being overly sensitive and acting like a  
21 typical female. That's why it wasn't taken any further.

22          But the female who did listen to what I was saying took  
23 it upon herself to note it in the log book.

24          MS. SLAYTON: Why didn't you log it?

25          MS. STANFIELD: Because they shined me on. They  
26 disregarded me. They laughed at me; told me to go home and have  
27 a drink.  
28



1 CHAIRMAN ROBERTI: We can't have this. If you want to  
2 ask a question, please indicate who you are.

3 MS. STANFIELD: I wasn't shining myself on, believe me.

4 CHAIRMAN ROBERTI: Thank you very much.

5 I think we'd like to check either one of the officers or  
6 the Personnel Board, as they continue their investigation, to  
7 check if there is a log and what it says, if there is one.

8 Yes, Officer Slayton.

9 MS. SLAYTON: Thank you.

10 Whenever we're assigned to housing units, searching is a  
11 routine part of our job. Even if we're walking across the yard  
12 and if we see someone we feel is suspicious, you know, who is  
13 making suspicious actions or for some reason we feel that  
14 individual needs to be searched, we can pull him aside and give  
15 him a pat search, or you know, take him aside and you can have a  
16 strip search conducted if that's necessary. Searching is an  
17 ongoing --

18 SENATOR PETRIS: Do you mean to tell me a woman officer  
19 can go into an area where she suspects these weapons are and do  
20 the whole thing herself?

21 MS. SLAYTON: No, no.

22 SENATOR PETRIS: While her colleagues are laughing at  
23 her, and sitting back there doing something else, and telling her  
24 to go home and relax and have a drink? Is that what you're  
25 saying?

26 MS. SLAYTON: Sir, if she lets herself be intimidated  
27 like that, that's her problem. She needs some assertiveness  
28 training.



1           SENATOR PETRIS: What would you have done in that  
2 situation?

3           MS. SLAYTON: I would have gone to my supervisor. I  
4 would have gone to my building supervisor. If I was dissatisfied  
5 there, I would have gone over his head.

6           That's our responsibility as custodial employees.

7           CHAIRMAN ROBERTI: How long have you worked at Folsom?

8           MS. SLAYTON: I've worked at Folsom since 1977 as an  
9 officer.

10          CHAIRMAN ROBERTI: Have you ever during that period of  
11 time gotten an unsatisfactory response from your supervisor and  
12 gone over his head?

13          MS. SLAYTON: No, sir. At one time, in 1977, when there  
14 was -- I was working in a lockdown, a situation where there was a  
15 lot o us held over from the graveyard shift. At that time, I was  
16 assigned to a dining room, and there was a lieutenant there who  
17 was not too happy with women coming to work at Folsom. And he  
18 made some derogatory statements as to -- as a matter of fact, it  
19 was Officer Hallstrom and I walking into Number 2 Dining Room.  
20 And he made the comment to get us out of there, using an  
21 adjective that I cannot quote. And I let him know, you know,  
22 exactly how I felt about it, and that I resented his comments,  
23 and that I would take him to the Employment Relations Officer if  
24 necessary because I wasn't going to put up with it.

25          I saw him that night at the bowling alley. He goes:  
26 Hey, I don't know why you got so upset.

27          CHAIRMAN ROBERTI: Thank you.  
28

1 Senator Doolittle.

2 SENATOR DOOLITTLE: This officer was a lieutenant?

3 MS. SLAYTON: Yes, it was.

4 SENATOR DOOLITTLE: And you rank at that time was --

5 MS. SLAYTON: Correctional officer.

6 SENATOR DOOLITTLE: And there's one step at least  
7 between lieutenant and correctional officer?

8 MS. SLAYTON: Two.

9 SENATOR DOOLITTLE: There's two steps?

10 MS. SLAYTON: Right, correctional officer, then  
11 correctional sergeant, then correctional lieutenant.

12 SENATOR DOOLITTLE: So, despite the fact that this man  
13 was several levels above you, you very clearly stated your point  
14 of view and never, as I recall from your previous testimony, had  
15 a problem like that again; is that right?

16 MS. SLAYTON: I never did again.

17 SENATOR DOOLITTLE: Just from my personal observation,  
18 Mr. Chairman, this is what seems perfectly logical. If you have  
19 a problem, you go to your supervisor; if that doesn't work out,  
20 you appeal it to the next level, and eventually go to the Warden,  
21 if that's what it takes.

22 But in all of this testimony, I have yet to hear an  
23 instance where it ever got to the Warden. Usually, if the  
24 complaint was made at all, it stopped at the first level.

25 Thank you.

26 CHAIRMAN ROBERTI: That doesn't totally impress me. I  
27 guess we view this separately, but people simply do not do what's  
28

1 going to appear to be insubordinate when they're working in a  
2 highly intense, very stratified situation. They're not going to  
3 be pell mell going to their supervisors.

4 There is a feeling, rightly or wrongly -- I think  
5 there's some legitimacy to it myself, that's my opinion -- that  
6 people are treated differently based upon whether they go along,  
7 or whether they don't go along. And there's nothing more akin to  
8 not going along than going above your subordinate to the next  
9 level above him.

10 It gets back to a point that I made, and Mr. Campoy's  
11 going to have to be the one, I guess, to respond to it, and that  
12 is, some violations are just looked upon as the stress of prison  
13 living, and other violations are rule book violations where  
14 people have to dot the i's and cross the t's, and it all depends  
15 on whose side you appear to be on as far as the prison  
16 administration is concerned. That's my thought, but not  
17 everybody agrees with me.

18 Next witness, please.

19 MS. HUDSON: I'm Chris Hudson. I'm a correctional  
20 officer at Folsom.

21 I've been there nearly seven years; September will be  
22 seven years.

23 We have a petition as well that -- would you like me to  
24 read this one?

25 CHAIRMAN ROBERTI: Sure.

26 MS. HUDSON: It reads:  
27  
28

1 "We the undersigned female  
2 correctional officers are highly  
3 incensed with reporting of press  
4 statements of sexual harassment  
5 at Folsom State Prison without  
6 checking out the facts.

7 "We deplore the actions of  
8 the three women in the confirmation  
9 hearing, not only in their sensation-  
10 alism, but their defamation of the  
11 peace officer profession."

12 And we have about 41 signatures of the female staff here.

13 CHAIRMAN ROBERTI: Does that imply that you don't  
14 believe that anything they said was true?

15 MS. HUDSON: That implies that we think the way it was  
16 presented, they presented one side and they sure didn't present  
17 two sides to what occurred.

18 And yeah, I think a lot of it is absolutely untrue.

19 (Applause.)

20 CHAIRMAN ROBERTI: Please, no applause one way or the  
21 other. That's just not necessary.

22 What should a woman who feels that she was sexually  
23 insulted in front of inmates, what should she have done?

24 MS. HUDSON: Sexually assaulted?

25 CHAIRMAN ROBERTI: Sexually insulted.

26 MS. HUDSON: She should have taken -- just Officer  
27 Slayton said, you take it right then and there. You know, that  
28



1 has really nothing to do with whether or not you're a  
2 correctional officer or whether or not you work in a prison.  
3 That just has to do with dealing with another person.

4 If you're in a grocery store, someone could say  
5 something that you don't like, and if you're not going to stand  
6 up and say so, then you don't have a complaint coming. If you  
7 don't tell someone: I'm offended by this; don't do it again,  
8 then how do they know?

9 CHAIRMAN ROBERTI: Some of the women who were here  
10 complained about the fact that the women's accommodations are not  
11 private.

12 MS. HUDSON: It's not the Hilton, no.

13 CHAIRMAN ROBERTI: I'm not saying the Hilton. I'm  
14 saying not private, and evidently that complaint had gone on for  
15 some time, evidently.

16 MS. HUDSON: Yeah, this complaint's gone on for some  
17 time.

18 CHAIRMAN ROBERTI: Irritated over that fact and  
19 evidently getting no redress from the prison administration, they  
20 want to make a point.

21 Now, how are they going to make that point?

22 MS. HUDSON: Make the point.

23 CHAIRMAN ROBERTI: Make the point? But your group says  
24 they were offended by even raising the point.

25 MS. HUDSON: No, we're not offended by the points that  
26 they raised that were factual.

27

28



1           What we object to is a lot of the statements and  
2 accusations and allegations that they made that are not accurate,  
3 especially considering the fact that they didn't bother to put in  
4 the half of their involvement in those incidents.

5           CHAIRMAN ROBERTI: How were they involved in the  
6 incidents?

7           MS. HUDSON: Such as, one of the females, Officer Lopez,  
8 who claims to have been so victimized by the male staff, she  
9 didn't mention how every male officer that came through the gate  
10 or through the building when she was working, she came right out  
11 and made requests to know whether or not they were circumcised,  
12 using vulgar language.

13          CHAIRMAN ROBERTI: She did that with every male officer?

14          MS. HUDSON: I've seen her do it time after time. I  
15 don't know every single one, but numerous male officers.

16          I've seen her go up and grab the male officers. Now,  
17 she didn't mention that. You know, that part never came out.

18          Never came out as well that wearing uniform shirts  
19 unbuttoned to the point where when they just bent to pick up a  
20 piece of paper you could look down all the way down the front of  
21 their blouses, and on being advised by Officer Slayton and myself  
22 that I know of for sure that they were probably creating a  
23 problem for themselves, and I found it offensive, I was told to  
24 drop dead; they'd dress any way they wanted to.

25          CHAIRMAN ROBERTI: So, are you saying that the woman who  
26 objected to the fact that there was a portrayal of a correctional  
27 officer with her blouse unbuttoned to the navel asked for that?  
28

1 MS. HUDSON: She wore her blouse unbuttoned. If the  
2 shoe fits, you know.

3 CHAIRMAN ROBERTI: So you're saying that Officer  
4 Morrison invited that kind of behavior?

5 MS. HUDSON: I'm saying it just like Lt. Zink and  
6 Officer Slayton said. I firmly believe that your conduct decides  
7 how you're treated. And I think going to work in any prison,  
8 anywhere, with your blouse unbuttoned, you're not showing much  
9 for your own character.

10 CHAIRMAN ROBERTI: I suspect that goes for Officer  
11 Hallstrom and Officer Mello, too? They invited the alleged  
12 attacks?

13 MS. HUDSON: I never really knew Officer Mello. The  
14 short time that she was there, I really never knew her, but she  
15 never seemed too miserable to me. She seemed to be having a  
16 pretty good time.

17 I question also on that, I question if you were having  
18 problems with a male staff member, if he asked you to meet him in  
19 a bar to discuss an investigation, I question whether or not she  
20 really thought she was going there to get information on an  
21 investigation, even as new as she was. I think common sense  
22 would tell anyone that you don't go to a bar for information on  
23 an investigation.

24 And if you don't want to be with -- if you don't like  
25 the attention you're getting from someone, why would you go home,  
26 change clothes, and go to a bar and meet him?

27 CHAIRMAN ROBERTI: Senator Doolittle.  
28

1           SENATOR DOOLITTLE: What was the name of the officer  
2 that you saw grab the male officers?

3           MS. HUDSON: Officer Lopez or Ben.

4           SENATOR DOOLITTLE: Officer Lopez. You saw this happen  
5 on more than one occasion?

6           MS. HUDSON: Yes.

7           SENATOR DOOLITTLE: Roughly how many occasions?

8           MS. HUDSON: Easily I can think of one morning when I  
9 saw it happen about a half a dozen times.

10          SENATOR DOOLITTLE: These officers were grabbed in the  
11 same place that we've heard the women officers were grabbed?

12          MS. HUDSON: Yeah.

13          CHAIRMAN ROBERTI: Have you ever witnesses the sexual  
14 harassment of women at the prison?

15          MS. HUDSON: I have to just pretty much say what Officer  
16 Hallstrom (sic) said. I've seen and heard and I've done it  
17 myself, that things happen where you just say right then and  
18 there -- oh, sorry, Slayton.

19          CHAIRMAN ROBERTI: Have you ever seen women grabbed by  
20 the buttocks?

21          MS. HUDSON: No, never.

22          CHAIRMAN ROBERTI: Have you ever seen women sexually  
23 abused?

24          MS. HUDSON: No.

25          CHAIRMAN ROBERTI: I mean verbally, verbally.

26                               (Laughter.)  
27  
28

1 CHAIRMAN ROBERTI: Well, some people would say grabbing  
2 by the buttocks is sexual abuse, so it's not really that funny.

3 But somehow you saw a woman officer grab a man nine  
4 times at least?

5 MS. HUDSON: Oh, yeah.

6 CHAIRMAN ROBERTI: So I guess when women abuse men, that  
7 you've seen. But when men abuse women, that doesn't go on.

8 Now, my experience --

9 MS. HUDSON: I've just never seen --

10 CHAIRMAN ROBERTI: Let me finish.

11 My experience is, yeah, reading about complaints, women  
12 can abuse men as much as men can abuse women. But for you to be  
13 observant and see a woman go after a man nine times in a prison  
14 situation, and not see a woman ever, ever subjected to an attack  
15 of any sort, not even grabbing by the buttocks, calls your  
16 testimony in my mind into question.

17 MS. HUDSON: I've never seen --

18 CHAIRMAN ROBERTI: You seem to be going along with the  
19 prison administration. It's the women now who are the ones who  
20 are responsible for attacking the men, and if they just kept  
21 their hands off the men, nothing would have ever happened because  
22 you never saw a woman grabbed or touched, but you sure saw the  
23 men get grabbed and touched, so the problem is a bunch of loose  
24 women, and thank God you're not one of them.

25 MS. HUDSON: No, that's not it at all. And I'm not just  
26 going along with the prison administration. What I do --

27  
28



1           CHAIRMAN ROBERTI: I think you're demeaning the  
2 character of a lot of your colleagues who were workers with you  
3 in which you attacked their sexual behavior, but you seem to have  
4 never seen an instances where they were aggravated.

5           Well, I think the whole experience of human nature is  
6 that quite often it's more the man who goes after the woman than  
7 the other way around. And it does happen both ways, but it's  
8 strange to me that you only saw it the other way.

9           MS. HUDSON: That may very well -- I'm sure it goes both  
10 ways. I'm sure some of this is justified.

11           But no, I never have seen a man grab any female staff  
12 member by the rear end, no, I never have. And it's not --

13           CHAIRMAN ROBERTI: But you saw a woman grab a man by  
14 whatever.

15           MS. HUDSON: Yes, I sure did, but nobody wants to talk  
16 about that part of it. All we can talk about is the victims.

17           The press that we've had lately makes it look like all  
18 the male staff at Folsom are a bunch of frothing genetic mutants,  
19 and they're not.

20           CHAIRMAN ROBERTI: I agree with you, that couldn't  
21 possibly be the case, and I don't think anybody's indicated that.

22           The indication is just how much has been going on. And  
23 my fear is that you think any woman who complains is a genetic  
24 mutant.

25           MS. HUDSON: No.

26           CHAIRMAN ROBERTI: Senator Petris.  
27  
28



1           SENATOR PETRIS: What about you personally? Have you  
2 ever had any relationship problems with correctional officers,  
3 like an advance of any kind that you thought was improper, or  
4 language that you thought was improper in the sexual arena?

5           MS. HUDSON: Nothing that I didn't handle myself, and I  
6 never had it occur again.

7           There are some -- sure, there are some times when I say,  
8 you know, I wish you wouldn't use that language, or whatever, and  
9 they say fine, and that's the end of it.

10          SENATOR PETRIS: How about conduct other than language?

11          MS. HUDSON: Me personally, no.

12          SENATOR PETRIS: Nobody's made any moves on you of that  
13 kind that you thought improper?

14          MS. HUDSON: No.

15          SENATOR PETRIS: Thank you.

16          CHAIRMAN ROBERTI: Next witness.

17          MS. STAFFORD: I'm Correctional Officer Pat Stafford.  
18 I've been employed with the Department of Corrections since 1976.

19          I have been a correctional officer over four years now  
20 at Folsom State Prison, the whole time I've been an officer.

21          Now, after all that, first of all, I want to tell all of  
22 you here that I am not related to Mr. Campoy, and I do not get  
23 preferential treatment at the prison, which has been indicated in  
24 the paper. I have no script to go by, and I'm not going to shed  
25 any tears here 'cause I'm not a phony.

26          I'm going to come right out and tell you how I feel  
27 about this whole thing.  
28

1 Any problems that I have had at that prison, any  
2 innuendoes that have been made to me, I have handled in a  
3 professional way.

4 When I first wanted to be a correctional officer, I had  
5 my hesitations on it; everybody does when they're taking a new  
6 job. And I talked to Mr. Campoy. That was many years ago, and  
7 he probably doesn't remember, but I do. And he encouraged me:  
8 Go ahead, try it and see how you do. And I stuck it out, and  
9 I've done well on my abilities.

10 There has been no sexual harassment to me at all.  
11 Anything that I've had at prison, I have dealt with on my own.

12 CHAIRMAN ROBERTI: Do you also believe that it was the  
13 women who invited --

14 MS. STAFFORD: Do I believe that?

15 CHAIRMAN ROBERTI: -- any affirmative activity on the  
16 part of male co-workers?

17 MS. STAFFORD: Yes, I do. I think they've encouraged  
18 it. I think that any woman, like Officer Hudson has stated, any  
19 woman that comes to work with her blouse unbuttoned, that's out  
20 of uniform. I mean, that's really out of uniform, okay?

21 I'm not endowed, so I don't have to worry about anybody  
22 seeing too much, okay? But, this person is endowed, right? And  
23 that doesn't look good when you come to work with your buttons  
24 down to here, and your boobs hanging out, six gold chains, and  
25 necklaces and earrings and everything, it just invites trouble.

26 It invites trouble when you are wearing an officer's  
27 hat. We are not authorized to wear an officer's hat right now.  
28

1 We don't have a female hat, okay? When a sergeant comes to work  
2 wearing a hat that belongs to a male officer, she's inviting  
3 someone to tease her and say something to her. It's out of  
4 uniform.

5 CHAIRMAN ROBERTI: I agree, she shouldn't violate the  
6 rule, but it's another issue that you've raised. Why in the  
7 world --

8 MS. STAFFORD: It's still harassment.

9 CHAIRMAN ROBERTI: Wearing a hat, and I agree, nobody  
10 should violate a rule, but wearing a hat in any kind of situation  
11 is a sign of authority. It strikes me as strange that after all  
12 these years of women guards, the men got to wear hats and the  
13 women didn't.

14 MS. STAFFORD: Well, they're working on hats, okay?

15 CHAIRMAN ROBERTI: It's been 20 years.

16 MS. STAFFORD: It takes a while, you know. We've got a  
17 different kind of a head. So, they didn't design a new --

18 CHAIRMAN ROBERTI: That doesn't make sense to me. You  
19 walk out on the street, there are more hats that are designed for  
20 more female heads than for men.

21 MS. STAFFORD: They're working on it.

22 CHAIRMAN ROBERTI: But 20 years is a long time. In my  
23 humble estimation, it strikes me -- and I don't want to be  
24 arguing with you on the subject -- but it strikes me as just one  
25 more little put down on the part of the administration that the  
26 women didn't get hats, don't get this sign of authority, and the  
27 men do. Twenty years to design a hat for a woman? My goodness.  
28

1           SENATOR CRAVEN: David, is this a point that is really  
2 worth talking about?

3           CHAIRMAN ROBERTI: Oh, yes, because they raised it.

4           SENATOR CRAVEN: There's a very simple answer.

5           CHAIRMAN ROBERTI: The women complainants --

6           SENATOR CRAVEN: Look at the four women there. They  
7 each have a different hair style. Look at us, Nick, and you, and  
8 me, and John and Henry. Those of us that still have a little  
9 hair.

10           But there is a certain commonality to the way we look,  
11 and we could very easily take an overseas cap, a garrison cap,  
12 any number of types of caps and there's no problem at all.

13           But these women are a little different than that. Maybe  
14 there is a reason they don't have a hat.

15           But what the hell's the difference?

16                           (Applause.)

17           MS. STAFFORD: And you know, when they'll come to work,  
18 and they're carrying a little baby blue umbrella in the rain to  
19 work. That's out of uniform.

20           That draws attention. That's what I'm trying to point  
21 out to you, is that attention is drawn that way. We don't need  
22 that.

23           Or, a female will send in a two-page spread into the  
24 swinging single's paper on how great she is. No officer needs  
25 that kind of publication. Why does she have to advertise?

26           CHAIRMAN ROBERTI: Were you equally as concerned that  
27 the piece of pornography was put in a woman's mailbox?  
28



1 MS. STAFFORD: Would I be concerned if somebody got  
2 what?

3 CHAIRMAN ROBERTI: One of the women complained that  
4 pornography was put in her mailbox.

5 MS. STAFFORD: Who was supposed to put it there? How do  
6 we know she didn't put it there herself and mail it to herself?

7 CHAIRMAN ROBERTI: You think she mailed it to herself?

8 MS. STAFFORD: I don't know. But how do I know? Maybe  
9 an inmate sent it. I don't know.

10 CHAIRMAN ROBERTI: Well --

11 MS. STAFFORD: No one can prove it, really.

12 CHAIRMAN ROBERTI: Oh, I know that.

13 MS. STAFFORD: That's just word of mouth saying: Yeah,  
14 I guess I got this dirty book in the mail.

15 CHAIRMAN ROBERTI: So in other words, you're saying that  
16 the women invited it, but you yourself have never seen too much  
17 sexual harassment, if any, on the part of the men against the  
18 women?

19 MS. STAFFORD: Sir, I to my knowledge have not seen  
20 sexual harassment. I have not been sexually harassed.

21 CHAIRMAN ROBERTI: Here's the point, and the other  
22 Senators want to talk. But it just strikes me as strange that  
23 what people seem to have an acute eye for is when the woman  
24 complainant invites the harassment, or engages in an activity  
25 that is improper, such as grabbing the man. But nobody seems to  
26 have seen anything the other way around.

27  
28



1 I mean, I've only been to Folsom once in my entire life,  
2 but it was a very interesting day.

3 MS. STAFFORD: Nobody grabbed you?

4 CHAIRMAN ROBERTI: No, no, no. The women didn't grab  
5 me, and thank God, the men didn't either.

6 (Laughter.)

7 MS. STAFFORD: Now you know how I feel. Nobody's  
8 grabbed me either, and I know how you feel. I really feel left  
9 out.

10 CHAIRMAN ROBERTI: No, I didn't feel left out.

11 (Laughter.)

12 CHAIRMAN ROBERTI: But it really strikes me as strange  
13 that what you see is when people of your own sex have invited the  
14 activity and the alleged harassment, but you never have seen it  
15 when -- and I'm not saying you're not telling the truth, believe  
16 me; I'm just saying it's my observation -- when the man has gone  
17 after the woman.

18 And my whole life's experience is that generally  
19 speaking it's the man who's more aggressive.

20 MS. STAFFORD: Oh, wow --

21 CHAIRMAN ROBERTI: Let me finish.

22 We're talking about life's experience, is more  
23 aggressive.

24 MS. STAFFORD: I'm more aggressive, so I --

25 CHAIRMAN ROBERTI: I mean in illicit activities, not a  
26 licit activity, and that man is more aggressive in illicit  
27 activity than a woman is. And all you have to do is look at the  
28

1 prisons. All you have to do is look at the courts, and it's not  
2 a sexist attitude or anything like that. It's real life. I'm  
3 not talking about aggressive licit activity; I'm talking  
4 aggressive illicit activity, and it's just a fact of life there  
5 are more men who engage in this than women.

6 And it just strikes me as strange that what you have  
7 been able to see is women aggressing --

8 MS. STAFFORD: Well, she married an officer and --

9 CHAIRMAN ROBERTI: -- and not men.

10 MS. STAFFORD: Wait a minute. She married an officer  
11 out there. What does that tell you? She has to do something to  
12 be aggressive. It takes two to tango.

13 CHAIRMAN ROBERTI: I said illicit.

14 MS. STAFFORD: I know, but you're saying there is no  
15 sexual harassment there --

16 CHAIRMAN ROBERTI: When people get married it has  
17 nothing to do with sexual harassment.

18 MS. STAFFORD: Well, before they were married. You  
19 never know. She pursued him, maybe.

20 CHAIRMAN ROBERTI: I think you're really trying to go  
21 after this lady.

22 MS. STAFFORD: No, I'm not. I'm trying to tell you what  
23 I've seen.

24 CHAIRMAN ROBERTI: A little too much. I mean, neither  
25 you nor I know who Officer Lopez-Ben pursued, or whether she was  
26 pursued by her husband or the other way around.

27

28

1           My point is, people seem to have seen Officer Lopez-Ben  
2 go for the men. I'll say in a euphemism, go for the jugular.  
3 But not the other way around. And that strikes me as strange,  
4 because illicit activity, aggressiveness on illicit sexual  
5 activity is usually, is usually the man.

6           And it strikes me as strange that you women guards have  
7 only seen your women colleagues do it, not the other way around.  
8 Almost as if, you know, when we're talking about the men, except  
9 for a naughty "no,no,no, you shouldn't do this", we're talking  
10 about Valhalla. But we're talking about the women who have been  
11 involved, it's something altogether different.

12           Senator Doolittle.

13           SENATOR DOOLITTLE: You made reference to somebody  
14 sending out a two-page ad or something? Can you elaborate on  
15 that?

16           MS. STAFFORD: There was a newspaper article. I believe  
17 it was last year. It made me very upset because it -- there was  
18 no reason for this particular officer to run a two-page -- I  
19 wouldn't say it was an ad. It was an article in a single's  
20 newspaper. And at the bottom it stated something about: Well,  
21 if you're interested in knowing more about Officer Morrison, you  
22 could contact the writer of this, and that was it. I couldn't  
23 understand why someone would do something like that. Why would  
24 she need to do that?

25           SENATOR DOOLITTLE: That was Officer Morrison who  
26 testified before the Committee?

27           MS. STAFFORD: Yes, sir.  
28

1           SENATOR DOOLITTLE: And the article was in a single's  
2 magazine?

3           MS. STAFFORD: Not a magazine; it was in a single's  
4 newspaper which was in Baskin-Robbins ice cream store.

5           SENATOR DOOLITTLE: Mr. Chairman, I would just offer as  
6 a possible explanation for the discrepancy -- and I don't believe  
7 sexual harassment always has to occur because it's invited -- but  
8 I do note that every one of the female officers here has admitted  
9 in essence to being sexually harassed, may not have called it  
10 that, but improper remarks being made, and they dealt with it.  
11 In other words, they at the time it occurred, they registered  
12 their disapproval and didn't go any farther than that, but the  
13 possibility does exist that where the initial disapproval is not  
14 given, indeed it's either tolerated or invited by acts that  
15 occur, some of which we've heard described, I can see how that  
16 can lead to things getting out of hand. I just think it sounds  
17 like these four individuals, when the improper conduct occurred,  
18 responded appropriately as an officer should respond, and there  
19 was not further problem.

20           CHAIRMAN ROBERTI: Thank you, Senator.

21           Senator Petris.

22           SENATOR PETRIS: Excuse me, Officer Stafford. I'd like  
23 to learn more about your vantage point in observing what goes on.

24           You're a correctional officer. Where do you work now?  
25 Where have you been working?

26           MS. STAFFORD: At the present time, since June of '83, I  
27 have been working at Prison Industries.

28



1 SENATOR PETRIS: Where they make our license plates?

2 MS. STAFFORD: Yes, sir.

3 SENATOR PETRIS: In what capacity?

4 MS. STAFFORD: I am a correctional officer, assigned up  
5 in Prison Industries.

6 SENATOR PETRIS: What kind of assignments did you have  
7 before that?

8 MS. STAFFORD: Before that, various assignments. I used  
9 to be on just doing just about everything. I rotated through all  
10 the watches, did the gun walks, did the towers. I wasn't  
11 stationed in those areas for a year at a time, but --

12 SENATOR PETRIS: But you've done them, though.

13 MS. STAFFORD: I did those jobs, yes. I was on vacation  
14 relief, worked behind people that were on vacation, did their job  
15 for two or three week periods. Then I was assigned to Inmate  
16 Assignments, and I was working with the work incentive program  
17 and working with the assignment lieutenant giving the inmates  
18 jobs and such.

19 SENATOR PETRIS: Where does that happen, at  
20 headquarters?

21 MS. STAFFORD: No, it's custody complex in the prison.  
22 This is all at Folsom Prison. I've never left the prison.

23 SENATOR PETRIS: In one of the offices, I gather?

24 MS. STAFFORD: Well, it's in the custody complex along  
25 with all the other offices.

26 SENATOR PETRIS: What shift do you work now?

27 MS. STAFFORD: Right now I work days, second watch.  
28



1           SENATOR PETRIS: You're married to an officer also;  
2 aren't you?

3           MS. STAFFORD: No, sir, I'm not. I'm married to a  
4 sergeant.

5           SENATOR PETRIS: He's a correctional officer, isn't he?

6           MS. STAFFORD: No, he's a correctional sergeant.

7           SENATOR PETRIS: Oh, I see.

8           MS. STAFFORD: He makes \$100 more than I do, sir.  
9 That's the difference.

10          SENATOR PETRIS: You're a correctional officer.

11          MS. STAFFORD: He works first watch and I work second,  
12 and we don't see each other. That's the difference, sir.

13          SENATOR PETRIS: Is that why you get the \$100  
14 difference? How long have you been married?

15          MS. STAFFORD: Since May 27th of last year.

16          SENATOR PETRIS: I won't ask you who chased who in view  
17 of the prior line of questioning, but nevertheless, let me just  
18 ask you one other thing.

19                This article that offended you, that was in the  
20 newspaper. I understand that was submitted for approval to  
21 Captain Johnson, and he approved it.

22          MS. STAFFORD: Was that after the fact, or before the  
23 fact, sir? I really don't know because I saw it after it had  
24 already been published.

25          SENATOR PETRIS: Well, approval after doesn't do any  
26 good.

27          MS. STAFFORD: That's right.  
28

1           SENATOR PETRIS: I assume it's prior to the fact.

2           MS. STAFFORD: I don't know. I really couldn't honestly  
3 tell you.

4           SENATOR PETRIS: Do you know Captain Johnson?

5           MS. STAFFORD: Yes, sir.

6           SENATOR PETRIS: It's possible that he might have  
7 approved it ahead of time?

8           MS. STAFFORD: I don't know if he did or not.

9           SENATOR PETRIS: If he did, then his opinion doesn't  
10 square with yours. Didn't offend him enough to say: Don't do  
11 it.

12           MS. STAFFORD: I don't know. If he did approve it, I  
13 don't know if he really knew what she was going to publish in the  
14 first place.

15           SENATOR PETRIS: What was in the article that offended  
16 you?

17           MS. STAFFORD: Just didn't like anybody -- let's see,  
18 she described --

19           SENATOR PETRIS: Was it sexually provocative?

20           MS. STAFFORD: Oh, no, sir. It wasn't sexually. She  
21 had her clothes on.

22           SENATOR PETRIS: The implication I got, you've got a  
23 swinging single's publication --

24           MS. STAFFORD: No, I didn't say swinging.

25           SENATOR PETRIS: Yes, you did the first time.

26           MS. STAFFORD: Well, I slipped.  
27  
28

1           SENATOR PETRIS: I know. That's all right; we all do.  
2 Listen, we all slip. You're entitled to at least one.

3           MS. STAFFORD: I don't know if she's swinging or not,  
4 but it was a single --

5           SENATOR PETRIS: Not her. You mentioned the publication  
6 as a swinging single's publication, and I'm wondering where is  
7 that going? Is that circulating in the prison, too?

8           MS. STAFFORD: It did get out in the prison, because I  
9 had other inmates tell me about it.

10          SENATOR PETRIS: You say the article wasn't sexually  
11 provocative.

12          MS. STAFFORD: No.

13          SENATOR PETRIS: Was it just the idea of being in the  
14 local kind of newspaper?

15          MS. STAFFORD: It just didn't hit me right. See, I'm  
16 proud of my profession.

17          SENATOR PETRIS: Did it demean the profession in any  
18 way?

19          MS. STAFFORD: To me it did.

20          SENATOR PETRIS: How? In what manner?

21          MS. STAFFORD: Just in -- what was the point of putting  
22 it in a single's paper? Why would anybody want to contact her if  
23 they were interested? It seemed like she was advertising for a  
24 date. And if she got all this sexual harassment at work, why in  
25 the heck would she have to advertise for it?

26          SENATOR PETRIS: Maybe she'd prefer to have it somebody  
27 she chooses rather than being imposed on.  
28

1 MS. STAFFORD: I wish that I could relate to you the  
2 ties that these women have with the inmate community, but there's  
3 an investigation on at this time and I'm not allowed to say.

4 SENATOR PETRIS: Can't talk?

5 MS. STAFFORD: No, sir.

6 SENATOR PETRIS: Thank you.

7 Thanks, Mr. Chairman.

8 CHAIRMAN ROBERTI: Senator Doolittle.

9 SENATOR DOOLITTLE: Officer Stafford, the article  
10 contained a picture; did it not?

11 MS. STAFFORD: Yes, sir.

12 SENATOR DOOLITTLE: And Officer Morrison was in uniform  
13 in the picture?

14 MS. STAFFORD: I believe so, sir.

15 SENATOR DOOLITTLE: That's my understanding, she was in  
16 uniform, and this became the subject of commentary amongst the  
17 inmates and correctional officers at the institution?

18 MS. STAFFORD: Yes, sir.

19 SENATOR DOOLITTLE: Thank you.

20 CHAIRMAN ROBERTI: Next witness.

21 MS. GREENLEE: My name's Marilyn Greenlee. You'll have  
22 to forgive me. I'm getting over laryngitis.

23 I've been a correctional officer at Folsom Prison for  
24 almost four years where I work on the main line with inmates on a  
25 daily basis.

26 I think that a distinction should be made between sexual  
27 harassment and unwanted attention by an officer, or comments that  
28 you feel are offensive.



1           There's no job in this world, including being a  
2       correctional officer, which I enjoy being a correctional officer,  
3       but there's no job in this world that means so much to me that I  
4       would tolerate for even one minute sexual harassment. I would  
5       tell them to take that job and stick it where the sun does not  
6       shine.

7           I'm not well known for keeping my mouth shut. I don't  
8       go with the flow. I make waves when I find it's necessary to get  
9       something accomplished.

10          I, like many other female officers there, have had to  
11       face attention from male officers or comments that I didn't -- I  
12       didn't care to hear, or persistence as far as, you know, going  
13       out with them, or something.

14          In my mind, the only way to deal with it, especially if  
15       you're a correctional officer in that type of environment, is on  
16       a one-to-one basis, and you have to get tough. You just say:  
17       Hey. You might start out real polite and nice and say: No thank  
18       you. If it goes from there, whatever it takes, you just say:  
19       I'm not going to tolerate it, and that's the way it is.

20          If you can't deal with a male correctional officer and  
21       take care of a persistent attention problem, or whatever, I  
22       really don't know how a woman would expect to deal with inmates  
23       who are quite a bit more tougher character in that type of sense  
24       than the officers that you're working with.

25          I feel like I do a real good job as a correctional  
26       officer. I have the respect of the men that I work with because  
27       I've worked at it at going a good job. When I put on that  
28



1 uniform, I walk through that gate, my job comes first. I'm  
2 thinking as a correctional officer, not as a woman. And that's  
3 very important for my survival, the survival of the officers I  
4 work with, and for the inmates. That's all part of my job.

5 And I'm not going to say that the officers who have made  
6 allegations on sexual harassment have not faced some types of  
7 problems, just like I have. I think they have a problem in  
8 definition. They're labeling this uninvited attention as sexual  
9 harassment.

10 Like I said, this job and no other job is worth the  
11 point that I would keep my mouth shut in order to keep it. I'd  
12 scream like hell, and then I'd split, and I'd get a job somewhere  
13 else. It pays good, but it doesn't pay that good.

14 And I think that if these women would have dealt with it  
15 appropriately, that the problem would have ended, just like it  
16 has for me and for many other women there. It's the advice -- a  
17 lot of gals come to me for advice, new gals. They say: Hey,  
18 this guy's asking me out; he's calling me at home; I don't want  
19 the attention. And they say: What should I do? Should I file a  
20 sexual harassment grievance?

21 I say: Hey, before you do that, why don't you try  
22 handling it as a professional? And you talk to that person  
23 privately on a one-to-one basis and let them know where you're  
24 coming from. Because if you go and cry into your pillow every  
25 night, or don't say anything, I think you're going to have a hard  
26 time finding satisfaction in any kind of type of problem that you  
27 have. You have to tackle it head on, if you have any kind of  
28

1 problem in life, not just working at the prison, but in anything.  
2 If you stand there like little Minnie Mouse and say nothing,  
3 you're going to get no results and you're going to become very  
4 unhappy and very frustrated, which I think these women are.

5 CHAIRMAN ROBERTI: Thank you, Officer.

6 Any questions?

7 MS. GREENLEE: I'd like to say one more thing.

8 In specific, in regards to Mr. Campoy, it's been my  
9 experience over the last four years that he has had pretty much  
10 of an open door policy. If there is something that it is his  
11 responsibility to deal with directly, in other words, if you've  
12 gone through the chain of command and it's up to him to make a  
13 decision on something, and you need to contact him, he's always  
14 available to talk to you about something and give you a decision  
15 on the spot. And that's been my experience.

16 CHAIRMAN ROBERTI: Thank you, Officer.

17 We will have questions of Officer Greenlee by the  
18 Members, and then I think a couple of the witnesses wanted to add  
19 some more, Officer Slayton, I think. So, we will have them make  
20 some additional comments, then we will break for ten minutes.

21 Excuse me, I'm sorry. I'm not noticing men. Officer  
22 Greenlee, then this gentleman, and then responses from the  
23 witnesses. Then we'll break for ten minutes.

24 SENATOR DOOLITTLE: May I direct one question again to  
25 Officer Stafford before I talk to Officer Greenlee?

26 CHAIRMAN ROBERTI: Yes.  
27  
28

1           SENATOR DOOLITTLE: You indicted there's an  
2 investigation underway concerning the activities of some former  
3 female correctional officers and their involvement with inmates.  
4 I've read about one such investigation involving Officer Morrison  
5 in the newspaper.

6           Are others involved who have testified here?

7           MS. STAFFORD: To my knowledge, I believe that she's the  
8 one they have right not.

9           SENATOR DOOLITTLE: I was just curious. Thank you.

10          Then to Officer Greenlee, it has been represented that  
11 basically in order to get along, you have to go along if you're a  
12 female correctional officer, and you just kind of put up with a  
13 certain level of sexual abuse in order to advance within the  
14 system. Not sexual abuse, sexual harassment.

15          Do you agree with that?

16          MS. GREENLEE: No, that's rubbish.

17          Since day one, since I started working at the prison  
18 almost four years ago, the officers that I've worked with have  
19 been very helpful. If it wasn't for -- and it would have to be  
20 the majority of which would be male officers that I've worked  
21 with -- if it wasn't for their support, and their guidance, and  
22 their help in learning the job of being a correctional officer,  
23 because there's no way you can learn how to be a correctional  
24 officer in the small time that you have in the Academy, if it  
25 wasn't for them, I would have quit the first week, because as  
26 almost everyone will acknowledge, it's not a nice place to be.  
27 It's a very demanding job, both physically and mentally at many  
28



1 times. And I've worked with some of the finest people I've ever  
2 met in my entire life, and they've been very supportive.

3 SENATOR DOOLITTLE: You mentioned that some of your  
4 colleagues, female officers, have complained about comments  
5 people have made to them. You advised them as to what they  
6 should do.

7 How many of those instances can you recall? How many  
8 times has that happened to your knowledge?

9 MS. GREENLEE: Two specifically.

10 SENATOR DOOLITTLE: Thank you.

11 CHAIRMAN ROBERTI: Any further questions?

12 This gentleman.

13 LT. GONZALEZ: My name's Joseph M. Gonzalez. I'm a  
14 correctional lieutenant at Folsom State Prison.

15 I started with the Department as a correctional officer  
16 in 1967 at Tehachapi. I've promoted through the ranks. In 1976,  
17 I came to Folsom State Prison as a correctional sergeant.

18 Upon my arrival at Folsom State Prison, I was assigned  
19 to the housing units and worked through all the watches during  
20 that period of time. I was responsible for supervising some of  
21 the first female correctional officers we have. We have work --  
22 some of them are still there, some have promoted and gone on down  
23 the road.

24 It's always been my experience in dealing with female  
25 correctional officers that I've always advised them that that  
26 badge that they wear -- at that time we didn't have badges, but  
27 presently we do -- that that badge has got as much authority and  
28

1 as much power as any male correctional officer. How they use  
2 that power, positive or negative, is going to determine what kind  
3 of correctional officer they become.

4 I've always encouraged them when they encountered a  
5 problem, to try to handle it at their level; if they cannot, then  
6 to go to a supervisor. And that there is no -- since I've been a  
7 supervisor at Folsom Prison, Mr. Campoy and Mr. Potter have  
8 always had the policy that this harassment, and dirty cartoons,  
9 and all this other garbage that shows up in gun towers, gun rails  
10 -- as a correctional lieutenant, when I promoted in 1978, I would  
11 go up on the gun rails and towers to visit and to check, and if  
12 there was any smut, whatever, we'd have it cleaned up, have the  
13 walls painted.

14 There's been a lot of testimony here that I witnessed.  
15 A lot of it -- I'm not going to piggyback on statements that have  
16 already been made.

17 You talk about character witnesses. I have been a  
18 correctional officer, like I say, since 1967, almost 18 years.  
19 I've always been proud of being a correctional officer wearing a  
20 uniform. But some of the comments and testimony given by some of  
21 the witnesses who testified against Mr. Campoy's confirmation  
22 really embarrasses me. To even think that normal people would  
23 stop and think, and even believe -- you could probably take 10  
24 percent of that garbage and call it truth, maybe 10 percent.

25 You talk about character of witnesses, Mrs. Morrison, as  
26 stated by Officer Stafford, where do you think she is doing  
27 presenting (sic)? I have personal knowledge that she's visiting  
28



1 an inmate at Folsom -- correction, at San Quentin. That's why  
2 she resigned from the Department of Corrections, to be able to  
3 visit a convict.

4 That other gals' investigations also has revealed that  
5 they're --

6 CHAIRMAN ROBERTI: Why is she visiting the convict?

7 LT. GONZALEZ: Because they're planning to get married;  
8 that's why.

9 CHAIRMAN ROBERTI: Is that a crime?

10 LT. GONZALEZ: When you're a correctional officer it is.

11 CHAIRMAN ROBERTI: Well, she's resigned; hasn't she?

12 LT. GONZALEZ: She resigned, yes.

13 CHAIRMAN ROBERTI: So did she break the rules?

14 LT. GONZALEZ: She had broken the rules prior to  
15 resigning.

16 Anyway, all of them, you know, you talk about character,  
17 we have --

18 CHAIRMAN ROBERTI: Did she go to San Quentin?

19 LT. GONZALEZ: Pardon me, sir?

20 CHAIRMAN ROBERTI: Is this gentleman at San Quentin?

21 LT. GONZALEZ: The gentleman? You mean the inmate?  
22 Yes, sir, he is.

23 CHAIRMAN ROBERTI: Did she go to San Quentin prior to  
24 the time that she resigned?

25 LT. GONZALEZ: That I don't know. She resigned on the  
26 22nd; she started visiting procedures on the 23rd.

27 CHAIRMAN ROBERTI: She resigned on the 27th.  
28

1 LT. GONZALEZ: The 22nd.

2 CHAIRMAN ROBERTI: On the 22nd, and she started seeing  
3 him on the 23rd, so that's not a violation of the rules.

4 LT. GONZALEZ: No, not at that time. I'm not saying  
5 that. But you talk about character, and, you know --

6 CHAIRMAN ROBERTI: No, no, no, no, no.

7 LT. GONZALEZ: Nobody said -- I didn't say it was a  
8 crime to visit an inmate.

9 CHAIRMAN ROBERTI: You're talking about her character,  
10 and you know, why people fall in love with people is an  
11 irrational thing. I'm not about to say that the fact somebody,  
12 if this is the case, fell in love with somebody who is there is  
13 an aspersion on her character.

14 LT. GONZALEZ: All right, then let's just disregard that  
15 as far as I'm concerned then.

16 CHAIRMAN ROBERTI: Any more than, you know, Mrs. Nixon,  
17 who's a wonderful person, fell in love with President Nixon.  
18 It's not an aspersion on her character, either.

19 LT. GONZALEZ: Maybe she thought he --

20 CHAIRMAN ROBERTI: Why she fell in love, God knows why  
21 more than we do.

22 LT. GONZALEZ: Well, okay, let's talk then about modesty  
23 screens. I think there was a comment made that there's not --  
24 and somebody made a comment: Well, it isn't the Hilton.

25 I agree, it isn't. But the modesty screens were put up  
26 for the females. And it's probably not the nicest place to go to  
27 the bathroom, but under the circumstances, there is modesty  
28

1 screens where the inmates cannot, or other officers, cannot see a  
2 lady going to the bathroom. They were put there -- like I say,  
3 there's need for improvement, but that's an old, antiquated  
4 prison.

5 As far as your other comments, you're talking about Mrs.  
6 Stanfield. You know, I have very much doubt as to her testimony.  
7 She made reference to an inmate getting killed in the weight  
8 pile.

9 CHAIRMAN ROBERTI: What was that? I missed that.

10 LT. GONZALEZ: Mrs. Stanfield, Denise Stanfield,  
11 testified that she had furnished information that there was some  
12 weapons. And obviously, according to her, or she -- her  
13 testimony reflects that those weapons were utilized to kill an  
14 inmate in the weight pile.

15 That is not true. An inmate was killed in the weight  
16 pile was not a Black or a Mexican inmate, which was part of our  
17 prison war. That was a white inmate by the name of Gypsy Free.

18 CHAIRMAN ROBERTI: She says she never said it was a  
19 Black or a Mexican.

20 MS. STANFIELD: He was white.

21 LT. GONZALEZ: Okay, well, as far as, you know, like the  
22 conditions are being improved. People think about -- they talk  
23 about being patted, I got patted the other day and I kind of  
24 enjoyed it. But I didn't do nothing about it 'cause it was my  
25 wife, and I volunteer this information. She works there.

26 CHAIRMAN ROBERTI: That's a little different.  
27  
28

1           LT. GONZALEZ: Being a professional, I didn't turn  
2 around and return the favor. I figure when an old goat like me  
3 gets patted, I got that coming.

4           But personally, you know, it just to me, like I said,  
5 there's remedies there. Like it's already been reflected,  
6 there's remedies there for people to come forward and say: I  
7 don't like this s.o.b. like driving on me on the time, wants to  
8 go out, or this or that; or I don't like his dirty mouth.

9           Well, then you come to me if you can't handle it; I'll  
10 handle it.

11           And let me show you something of Mr. Campoy. When he  
12 puts out a memo in reference to anything to be carried out at  
13 that institution, it's going to be carried out, or shame on me or  
14 shame on the captain. If there's sexual harassment happening  
15 there, and if I'm unknowledgeable of it, how is Mr. Campoy going  
16 to be?

17           The thing is, like I say, sometimes you get negative  
18 attention, and people can stop it from both inmates and staff.  
19 Inmates, you can write them up for infraction of the rules. And  
20 you got rules for officers, too. You can document their  
21 behavior, and that happens. I've talked to a lot of officers in  
22 reference to their language, in reference to the way -- I tell  
23 them: Hey, this gal's married; she wants no business with you;  
24 leave her alone, or the next time we talk we're going to go see  
25 the captain. And normally the one time only squashes that.

26           The only other thing I'd like to say at this time is  
27 that I've known Mr. Campoy for years; I knew of him before I came  
28



1 to work for him. I've always been impressed with him, this  
2 authority. And he's a man like there is no other in Corrections.

3 Other than that, I have nothing else to say. Thank you.

4 CHAIRMAN ROBERTI: Thank you.

5 Any questions? Senator Petris.

6 SENATOR PETRIS: You are in a supervisory capacity?

7 LT. GONZALEZ: Yes, sir, I'm a correctional lieutenant.  
8 Presently I'm the Criminal Activity Coordinator. By that I don't  
9 mean I coordinate the criminal activity. I'm what they call the  
10 prison gang lieutenant.

11 SENATOR PETRIS: I didn't expect it meant you  
12 coordinated criminal activity.

13 LT. GONZALEZ: A lot of people think it's a big joke.  
14 They say: Well, you caused the sticking, or whatever.

15 SENATOR PETRIS: Some people contend, like the witnesses  
16 who complained and some others, that there is a very hostile,  
17 negative, anti women-being-prisoner-guard attitude on the part of  
18 some of the correctional officers, on the part of a lot of them.  
19 And in some cases it takes the form of sexual harassment.

20 My first question is: Do you feel that sexual  
21 harassment happens often enough to be a problem at Folsom or not?

22 LT. GONZALEZ: No, sir, I don't believe it is a problem.  
23 I think, you know, it's a minute problem in contrast to other  
24 problems.

25 Obviously, Mr. Campoy and everybody else involved, who  
26 ever sets policy in reference to sexual harassment feels that it  
27 merits some attention, and we're instructed, you know, we handle  
28



1 it; we take care of it. And if we cannot handle it at our level,  
2 it goes on upstairs.

3 SENATOR PETRIS: Have you had a charge of that kind made  
4 against you?

5 LT. GONZALEZ: No, sir, at least not to my face, or it's  
6 never been brought to my attention. I've had young ladies who I  
7 sometimes have to excuse myself for using a four-letter word, or  
8 something. But, you know, I've had occasion to have slipped of  
9 the tongue, and I've said: Excuse me, Marilyn; I didn't mean  
10 that; I didn't see you.

11 SENATOR PETRIS: Well, I think that happens a lot.

12 LT. GONZALEZ: In answer to your question --

13 SENATOR PETRIS: You haven't had a complaint against  
14 you?

15 LT. GONZALEZ: No, I have not.

16 SENATOR PETRIS: I thought we were given some  
17 information somewhere along the line here that you were one of  
18 the persons that one of the witnesses complained about, and I  
19 think it was Lopez.

20 LT. GONZALEZ: During the investigation of Mrs. Lopez,  
21 yes. Let me relate a little thing to you.

22 SENATOR PETRIS: No, I mean, is there a formal complaint  
23 pending now, or just her statement?

24 LT. GONZALEZ: No, sir, it was just her testimony that I  
25 -- she offered to fix me up with her mother, and it was kind of a  
26 joke. A friend of mine and I were talking, another correctional  
27 officer, about dating. I was single then, so you know, we were  
28 talking about dating.

1           And Rachel Lopez come up and interrupted our  
2 conversation, and she says: Well, I got just the girl for you;  
3 you'll really like her; she's pretty.

4           And I says: Oh, yeah?

5           And she says: Yeah, I'll fix you up a date with my  
6 mother.

7           I said: Now, that's just really great. What's your  
8 father going to say about it?

9           So she said: Well, no, she's divorced, you know.  
10 They've been divorced for years, and she can really straighten  
11 you out because she's very domineering.

12          I told her: Thank you, Rachel, but I just dumped one  
13 broad like that; I don't need another one.

14          And that was the basis of that whole thing.

15          SENATOR PETRIS: No further questions.

16                   (Laughter.)

17          LT. GONZALEZ: I'd like to apologize to the ladies  
18 present for the word "broad"; I'm sorry.

19          SENATOR PETRIS: That just slipped out.

20          CHAIRMAN ROBERTI: Officer Slayton wanted to add  
21 something.

22          MS. SLAYTON: There's two things I'd like to make  
23 comment to.

24          On the singles' newspaper, I was in Captain Johnson's  
25 office, and I do know that Officer Morrison did have prior  
26 approval before that article was done. I just wanted to clarify  
27 that.  
28

1 Lt. Gonzalez did make reference to going to the gun  
2 walks and towers. There is evidence that the entrance to Number  
3 1 Gun Walk of a situation that was rectified. The entrance to  
4 Number 1 Gun Walk is now painted black because of the comments  
5 that were written there in 1977. And there was, I believe, there  
6 was a memo issued, and I know that people were advised that, you  
7 know, quit the comments at that time.

8 But, you know, I can verify that, you know, supervisors  
9 were going up to the different posts to make sure that there was  
10 not graphic material against the different female officers.

11 CHAIRMAN ROBERTI: Thank you.

12 Any further comments?

13 MS. STAFFORD: One thing that I would like to mention is  
14 that Officer Mello stated that she had left the Department  
15 because she was having such a hard time at work that she couldn't  
16 stand it any more, that she had to leave.

17 To my knowledge, the reason that she left was to go back  
18 to her husband, and they were going to try to get back together  
19 again and get a job. And he wanted her to help him with his  
20 business.

21 So, this was news to me when I heard that she had left  
22 because she had been so sexually harassed.

23 And at the time I was working for the personnel  
24 lieutenant, and he talked very highly of her. And as a matter of  
25 fact, he tried to get her to stay through her probation before  
26 her probation was up so that if she ever wanted to come back, she  
27 would have that option and wouldn't have to go through all the  
28 testing procedures again.

1           So, this is really kind of a surprise to me on that  
2 part.

3           CHAIRMAN ROBERTI: Senator Petris.

4           SENATOR PETRIS: I've lost track of all these people,  
5 but isn't she the one who said she's trying to get back after six  
6 months?

7           MS. STAFFORD: No, no, that was Officer Fagan.

8           SENATOR PETRIS: Oh, never did come back.

9           MS. STAFFORD: She was just employed for a little under  
10 nine months.

11          SENATOR PETRIS: You're saying because you're in  
12 Personnel, you knew some information that the officer there spoke  
13 highly of her, meaning her work, I guess?

14          MS. STAFFORD: Yeah.

15          SENATOR PETRIS: Thanks.

16          CHAIRMAN ROBERTI: Any further comments?

17          Hearing none, we will recess for ten minutes.

18               (Thereupon a brief recess was taken.)

19          CHAIRMAN ROBERTI: The Committee will come to order.

20          Mr. Campoy, why don't we go about it in this way: if  
21 you would like to respond to the testimony that's preceded you,  
22 please feel free to do so.

23          MR. CAMPOY: Yes, Senator.

24          I have with me Mr. Prahl, who's the attorney who was  
25 with me in the Toussaint trial in regards to the statement made  
26 by Denise Stanfield. I'd for him to make a few comments.

27          CHAIRMAN ROBERTI: Yes, please.  
28



1 MR. PRAHL: For the record, my name is William Prah1,  
2 P-r-a-h-l. I'm a supervising Deputy Attorney General here in the  
3 Sacramento office. I'm also counsel of record in the Toussaint  
4 matter, which is a federal class action against -- out of the --  
5 filed in the United States District for the Northern District of  
6 California.

7 I'd like for the Committee to understand a series of  
8 events, because I think you may be somewhat confused. And it is  
9 important you understand the sequence of events, especially in  
10 regard to Denise Stanfield's testimony.

11 In approximately August of 1983, the preliminary  
12 injunction was issued as to Folsom. It had already been issued  
13 as to three other institutions earlier.

14 In approximately November of 1983, there was an incident  
15 at Folsom Prison when the institution was trying to get itself  
16 into compliance with the preliminary injunction.

17 Ms. Stanfield had worked the day before the incident.  
18 She was not physically present at the institution on the day of  
19 the incident. Any information she had regarding the incident  
20 came to her second hand.

21 CHAIRMAN ROBERTI: Senator Petris.

22 SENATOR PETRIS: To further clarify which incident  
23 you're talking about, the actual stabbing, or death, or transfer?  
24 What is the incident?

25 MR. PRAHL: I'll clarify that for you, Senator Petris.

26 The November incident was the one when they were  
27 bringing inmates of out the Security Housing Unit. They had a  
28



1 situation for a brief period of time where there was a racial  
2 imbalance. I believe it was five cells were occupied by  
3 Mexican-American inmates on a tier that was otherwise occupied by  
4 Black inmates.

5 SENATOR PETRIS: Is that the incident?

6 MR. PRAHL: Yes, that's the November incident.

7 SENATOR PETRIS: And you're saying she was not on duty  
8 there?

9 MR. PRAHL: She was not on duty the day the incident  
10 occurred. She had been on duty the before.

11 Her testimony -- let me complete the scenario, and then  
12 I'll go back and go over the incident.

13 The last part of the scenario is Ms. Stanfield's unsworn  
14 statement to you here today that in May of 1984 -- now, she  
15 originally said to you that this occurred in April of 1983. But  
16 later, when she got her facts straight, or someone assisted her  
17 in getting her facts straight, she said that the -- there was a  
18 stabbing that occurred in May of '84, and she had become aware of  
19 some weapons, tried to warn someone, and nobody would pay any  
20 attention to Ms. Stanfield.

21 These were precisely the same allegations that Ms.  
22 Stanfield made in November of '83, that something was wrong at  
23 the institution, and nobody would pay any attention to her.

24 Now, when her sworn testimony was taken under oath, Ms.  
25 Stanfield testified the exact words that she said to Lt. Smith,  
26 allegedly said to Lt. Smith, were -- and this was the full extent  
27 of what she told him: "The vibes in this unit are funky."  
28

1 She said she thought there was a major disturbance about  
2 to erupt on that tier between the Black and Mexican-American  
3 inmates. And she walked up to her lieutenant and said, before  
4 she went home that evening, "The vibes in this unit are funky",  
5 and then went home.

6 She told no one else. She didn't use the word  
7 dangerous. She didn't use the word imminent. She didn't use the  
8 word disturbance. She said, "The vibes in this unit are funky",  
9 and went home.

10 The next day, they had a disturbance at the institution.  
11 She called Plaintiffs' counsel in Toussaint and told them that  
12 she thought the institution had been negligent in the way they  
13 had assigned inmates to the different cells.

14 CHAIRMAN ROBERTI: Was this the stabbing incident?

15 MR. PRAHL: Yes.

16 In May of '84 --

17 CHAIRMAN ROBERTI: I'm trying to collect the sequence,  
18 since we're on that point. I don't want to have you digress from  
19 your sequence, which is very important, but I would like to raise  
20 a question.

21 In the testimony I heard two weeks ago and this week,  
22 what strikes me -- and I add the caveat of a layman -- but what  
23 strikes me as strange is why, irrespective of Officer Stanfield's  
24 testimony, the necessity to integrate the two cell rows, putting  
25 a small minority of Blacks in the Mexican cell row, and a small  
26 minority of Chicanos in the Black cell row.

1           Why the necessity to integrate? If integration was  
2 going to take place, because you're talking about people who had  
3 a gang animosity against each other, reinforced by race,  
4 unfortunately, but that's a fact. Why then weren't many  
5 integrated with each other, rather than just four?

6           Let me continue with things that have disturbed me.

7           It strikes me that if there was going to be integration,  
8 then rather than leaving four sitting ducks for one night or two  
9 nights, then we should have taken four to fourteen and tried to  
10 really integrate it so it was integrated based on proportions in  
11 the prison, rather than four all by themselves. That's another  
12 thing that concerns me.

13           And why, if you were going to have this integration take  
14 place of just a very few, why then wasn't maximum security checks  
15 the order of the day, where you would have had an emergency  
16 situation rather than the general population, where you don't go  
17 through the strip searches, and the constant checking? You know,  
18 there's much more inmate interplay.

19           It strikes me that if there was going to be integration,  
20 then that integration should have taken place in greater numbers.  
21 And if it couldn't take place in greater numbers, then you should  
22 have had the emergency situation still in effect. It had been in  
23 effect the day before, when the cells that were Black were all  
24 Black, and the cells that were Chicano were all Chicano. Then  
25 why, on the day when you put four people of the opposite race,  
26 who are gang members, evidently, why on that day do you eliminate  
27 your emergency oversight?  
28



1           It would seem to me that on the first day that you're  
2 going to integrate with a minority of prisoners of one race,  
3 that's the day you would have your emergency precautions, not the  
4 day before, when you had the all Black cell tier and the all  
5 Chicano cell tier. The day you integrate with the minority is  
6 the day you also relaxed your security overcheck.

7           Now, I'm only a layman in this, I grant it. But I  
8 haven't heard an explanation that's satisfactory to me.

9           MR. PRAHL: Senator, with all due respect, you're  
10 looking at a motion picture; let's try to take the motion picture  
11 analogy. You're looking at a motion picture which has a number  
12 of frames. And if you move them quickly past the light, you get  
13 a moving picture.

14           Now, you're taking one frame out of that motion picture  
15 and trying to say that that frame, that instant while they were  
16 in the process of moving inmates around the institution, that  
17 that one instant is reality. And in fact, that would distort the  
18 character of a motion picture to say one frame is this motion  
19 picture. Just like saying that one instant, when the trouble  
20 erupted, was the reality of this particular situation.

21           The reality of this situation was a series of frames, a  
22 series of cell moves designed to take inmates out of the Security  
23 Housing Unit, pursuant to a court order, and into general  
24 population housing. General population housing is not  
25 segregated; they do not run segregated housing anywhere in the  
26 Department of Corrections.  
27  
28

1 CHAIRMAN ROBERTI: Then why was it made general  
2 population and not emergency? Why wasn't the emergency  
3 maintained until the population reflected better the real  
4 proportions in the prison? Why were there just four Chicanos in  
5 the Black cells, like sitting pigeons, and four Blacks in the  
6 Chicano cells, like sitting pigeons?

7 We're not talking about people with normal attitudes  
8 now.

9 MR. PRAHL: They had tried --

10 CHAIRMAN ROBERTI: And I'm not saying you can't  
11 integrate a prison, but I am saying when you're talking about  
12 gang members, who are gang members whether they're the White  
13 Aryans, or the Blacks, or the Chicanos, based on race?

14 MR. PRAHL: They had tried the evening before, Senator,  
15 to move those inmates out to a common feeding area. They had  
16 moved them out of their cells. They had been able to move them  
17 in a group. At that time, the administration felt that the  
18 situation was stable enough to warrant continuing the cell moves  
19 and to maintain it as a general population unit.

20 These are tough choices. And your hindsight is 20/20,  
21 but when they were faced with complying with a court order, they  
22 had to make some difficult decisions.

23 CHAIRMAN ROBERTI: Let me stop you there.

24 What does this have to do with complying with the court  
25 order?

26 MR. PRAHL: The court order --  
27  
28



1 CHAIRMAN ROBERTI: Let me finish so you can answer me  
2 better.

3 The court order was against double celling. The placing  
4 of four Chicanos in the Black tier and four Blacks in the Chicano  
5 tier, what does that have to do with the court order?

6 MR. PRAHL: They were attempting, again, they were  
7 attempting to move inmates from the Security Housing Unit into  
8 less restrictive forms of custody. That is the definition in the  
9 Toussaint case of secured housing.

10 CHAIRMAN ROBERTI: Were the numbers of the people in  
11 each tier different than the night before?

12 MR. PRAHL: The total numbers of people?

13 CHAIRMAN ROBERTI: Yes, in the Black tier, for example,  
14 or in the Chicano tier, for example?

15 MR. PRAHL: No, most of the cells were -- the cells were  
16 occupied.

17 CHAIRMAN ROBERTI: So they were still occupied by the  
18 same number of people?

19 MR. PRAHL: They were occupied by the same number of  
20 people.

21 CHAIRMAN ROBERTI: I still don't understand, I hate to  
22 tell you, what it has to do with the court order? Sticking four  
23 gang members of one race in with gang members of another race and  
24 doing it on both tiers. I mean, I don't understand what that had  
25 to do with the court order.

26 MR. PRAHL: I'm not sure whether you want to understand.

27 CHAIRMAN ROBERTI: I do want to understand. Yes, I do.  
28

1 MR. PRAHL: Let's see if we can go over this.

2 They have a number of inmates in these cells; they have  
3 a number of inmates in these cells; and they have a number of  
4 inmates in these cells. The ones over here are the Security  
5 Housing Units, my left hand is the Security Housing Units. The  
6 center is the Emergency Housing Unit. And over here is general  
7 population.

8 They have to move the inmates from here to here. The  
9 ones that are here, out to general population. This unit is then  
10 going to be converted to general population housing.

11 It's a fairly simple set of moves. The problem is, it  
12 involves the movement of large numbers of inmates.

13 The four inmates -- the misconception you may have is  
14 that the four Chicano inmates were taken from the cells in the  
15 Security Housing Unit and placed, like you put it, sitting ducks,  
16 in these cells.

17 That did not occur. And I can't say that any stronger.  
18 That did not occur.

19 CHAIRMAN ROBERTI: Where did they come from?

20 MR. PRAHL: They came from here, but in the meantime,  
21 the inmates from the Security Housing Unit were placed in the  
22 Emergency Housing Unit, but in the meantime, the previous  
23 occupants of the Emergency Housing Unit were moved out to general  
24 population to make room for these people.

25 There were large numbers of cell moves, and it was all  
26 designed to get the institution into compliance, because a threat  
27 of contempt had been made within a week earlier.  
28

1 Now, those are facts; those are facts.

2 CHAIRMAN ROBERTI: It was, I take it, therefore  
3 impossible to move in any one day more people of one given racial  
4 group, say, of the Chicano group, into the Black tier. They only  
5 could do four a night?

6 MR. PRAHL: Oh, no." They did many more moves than that.

7 CHAIRMAN ROBERTI: Why wasn't there a greater  
8 interchange?

9 MR. PRAHL: There was an interchange of additional  
10 inmates onto the fifth tier.

11 CHAIRMAN ROBERTI: But I'm talking about the two tiers  
12 in question, where you were left with just the four Chicanos and,  
13 I don't know, 25 or so Blacks, and the equal opposite number in  
14 the other tier.

15 MR. PRAHL: That's what I'm trying to tell you, and  
16 there are additional moves planned. There are additional moves.  
17 There are additional frames in this sequence of pictures.

18 CHAIRMAN ROBERTI: But why, over a period of 24 hours,  
19 weren't more transferred to make it more equalized if, at the  
20 same time, the emergency controls were also lifted?

21 MR. PRAHL: Because they did not feel that the racial  
22 imbalance would create a dangerous situation because the night  
23 before -- now, you can shake your head, but the problem is, they  
24 had to do something. And again --

25 CHAIRMAN ROBERTI: I'm not talking about 20/20  
26 hindsight, with all due respect to you.

1 I'm talking about four people of one race, tough gang,  
2 in a tier of another race, where you still have the toughest  
3 people in that tier --

4 MR. PRAHL: No, that's not true any more.

5 CHAIRMAN ROBERTI: Let me finish and then you can answer  
6 me.

7 Where you have the toughest people in the tier when, the  
8 night before you had emergency regulations, and the night you go  
9 through this modest amount of integration, you have eliminated  
10 the emergency controls. And you are now with what you call a  
11 general population controls, which are much less restrictive.

12 Why, at a bare minimum, weren't emergency regulations  
13 still in effect until you had fully integrated on a more  
14 equitable and more secure basis the tier? In effect, why at the  
15 time of minimal integration was the security also to some extent  
16 lifted?

17 I think that's a legitimate question to ask.

18 MR. PRAHL: Because, number one, the emergency  
19 conditions are not consistent with the court order. The court  
20 order prohibits cell feeding. In other words, the court order  
21 required that the custodial limits be lifted. That's the  
22 difference between general population and secured housing.

23 The other reply to your question is, that the evening  
24 before, they had completed a number of moves; they had fed them  
25 in the dining hall; there had been movement without incident; and  
26 they felt the situation was stable. Their best assessment --

27 CHAIRMAN ROBERTI: That was on another tier?  
28



1 MR. PRAHL: That was the same tier, Senator. That was,  
2 Tier IV was moved down to feed in the dining hall the evening  
3 before.

4 CHAIRMAN ROBERTI: And were --

5 MR. PRAHL: Without incident.

6 CHAIRMAN ROBERTI: And were Blacks moved at that point  
7 on that day with the Chicanos?

8 MR. PRAHL: Yes.

9 CHAIRMAN ROBERTI: And were Chicanos moved with the  
10 Blacks?

11 MR. PRAHL: Yes.

12 CHAIRMAN ROBERTI: So, this was the second day of  
13 integration?

14 MR. PRAHL: Yes, but it is an ongoing --

15 CHAIRMAN ROBERTI: And on the first day of integration,  
16 what was the security on the first day of integration? Was it  
17 emergency security or was it --

18 MR. PRAHL: No, when they're feeding in the general  
19 population housing unit, they're feeding in the main dining hall.

20 CHAIRMAN ROBERTI: So on one day's experience, then my  
21 question is: Why was the first day allowed to be that way? It  
22 would strike me that on the first day, the day that you are  
23 saying was so safe, it still strikes me -- as a layman, and I  
24 postulate I'm a layman, but I'm the one who has to vote on this  
25 -- it strikes me as a layman that that first day was, in my  
26 humble estimation, unless somebody can tell me otherwise,  
27 negligent.  
28



1 MR. PRAHL: I think we're getting to the point now where  
2 I don't know if I'm going to be able to provide you with an  
3 explanation no matter what's said. I can only provide you with  
4 the facts and give you an accurate overview of what's occurred.

5 I guess it's a situation that you're going to have to  
6 draw a conclusion from that.

7 With respect to Ms. Stanfield's testimony under oath --

8 CHAIRMAN ROBERTI: I want you to add one more thing.

9 What I'm fearful of -- and I'm not stating this  
10 categorically -- but what I'm fearful of is that the attitude  
11 was, and I don't know where it emanated from, but: We don't like  
12 this court case, and we're going to just show how bad it can be  
13 if we have to implement this court decision. And that's what I'm  
14 fearful the attitude was.

15 That's why I'm fearful some people are left as sitting  
16 pigeons, and I think that's what Officer Stanfield was getting  
17 at.

18 I know you have to continue with your testimony.  
19 Senator Petris wants to ask a question. I know you're in the  
20 middle of a sequence of events, but we're not going to cut you  
21 short.

22 MR. PRAHL: I'll take the question.

23 SENATOR PETRIS: I'm looking at a summary of testimony.  
24 I guess you took the depositions. I'm following the same point  
25 that Senator Roberti's concerned about.

26 I think you can understand how it looks to us as  
27 outsiders and laymen. You've got a very bad situation; you've  
28

1 had a stabbing; you've got the court order. You know, the  
2 authorities say: Okay, we're going to start moving people, and  
3 you have this segregation resulting from the prior violent act,  
4 and everybody's hoping nothing bad's going to happen.

5 Now, first of all, on the evening of November 16, we're  
6 still talking about November of '84.

7 MR. PRAHL: November of '83.

8 SENATOR PETRIS: Excuse me, yes.

9 Mr. Campoy personally observed that tension was rising  
10 within the institution. That's his testimony in his deposition.  
11 He voiced those concerns to Warden Morris in a telephone  
12 conversation that evening of the 16th. That is Mr. Campoy's  
13 testimony, confirmed by Mr. Morris in his deposition.

14 So, here you've got the two top persons feeling this  
15 tenseness.

16 Second, several correctional officers expressed their  
17 concern over this mixture to their supervisors. Donald Novey,  
18 his name came up earlier in a different connection, a  
19 correctional sergeant who works in the kitchen, claims that  
20 others in his department immediately developed concern for  
21 security. That's Mr. Novey's testimony under oath.

22 He also noticed a rising level of tension among the  
23 inmates. He claims he told Lt. Mueller, M-u-e-l-l-e-r, that,  
24 quote: "We're going to have some problems in here." Close  
25 quote. All right.

26 The correctional officers working on Tiers IV and V,  
27 including Officer Stanfield and Skinner, expressed their concerns  
28

1 to Lt. Smith, the officer in charge of these tiers. That's  
2 Smith's deposition.

3 Now, you've got the two top people; you've got Mr.  
4 Novey, who's an experience person. He happened to be working in  
5 the kitchen at that time, but he's an experienced person. You  
6 have people reporting to Lt. Smith.

7 And for you to say that all the notice you got was Ms.  
8 Stanfield saying, "the vibes are funky", doesn't seem to me to  
9 tell the full picture.

10 Now, she felt it, and she said something in an  
11 expressive way. All these other people felt it, and they were  
12 talking to each other. And yet, instead of some additional  
13 precautions being taken, which is what I think Senator Roberti is  
14 trying to find out about, we have less people on the next morning  
15 because of a split in the shifts situation.

16 On November 17, the day after we're talking about,  
17 several correctional officers did come in and appeared for duty  
18 early in the morning. But prior to that, let's see, there's a  
19 statement here from the deposition about less people actually  
20 being available, or less security.

21 Now, your explanation for that is, that's because you're  
22 moving from one type of security into the general housing. Maybe  
23 that's the answer.

24 But I think when you complete your answer, you might  
25 address yourself to the question of whether or not that move did  
26 not indeed cause a tremendous amount of apprehension by  
27 experienced correctional officers from the low level up to the  
28 very highest level.

1           Maybe Mr. Campoy wants to explain.

2           MR. PRAHL: The concerns expressed by staff are well  
3 documented in the record in this particular case. The concerns  
4 expressed by staff are over the idea of releasing inmates from  
5 the Security Housing Unit into the general populations of these  
6 institutions, simply because the conditions in the Security  
7 Housing Units are found to be less than constitutionally  
8 adequate.

9           SENATOR PETRIS: Stanfield and Skinner, expressly in IV  
10 and V, were worried about the mix.

11           MR. PRAHL: If you read Denise Stanfield's testimony,  
12 you'll see that it's not the result of the mix. Denise  
13 Stanfield's testimony, she specifically says it's not because  
14 they had the Mexican-American inmates were outnumbered by the  
15 Blacks. She says that's not what caused the tension in there. I  
16 took the deposition.

17           SENATOR PETRIS: What was it?

18           MR. PRAHL: It's the fact that they were bringing these  
19 people out of the Security Housing Units that caused the level of  
20 apprehension. It wasn't the fact that there was a  
21 disproportionate number. It wasn't the fact that one group is  
22 outnumbered, because that's not a concern.

23           The concern is the type of people they're bringing out,  
24 and the fact of change. Change is a problem with the  
25 institution.

26           CHAIRMAN ROBERTI: What do you mean by the type of  
27 people they're bringing out?  
28



1 MR. PRAHL: They're bringing out people that have been  
2 locked up; they're bringing out gang leaders.

3 CHAIRMAN ROBERTI: Well, that's the whole point. I  
4 mean, the type of people that are being brought out, when you  
5 bring out people who are more dangerous, and then you relax the  
6 security on these people, and these people are upset, I mean,  
7 it's not going to follow some kind of rational chess game as to  
8 how their upset is going to be channeled.

9 MR. PRAHL: I would say this, Senator Roberti, that  
10 there was an elaborate screening process done of the inmates  
11 locked in the Security Housing Unit to try to find what you might  
12 euphemistically call the cream of the crap. Let's see what we  
13 can bring out safely. Let's see who the least dangerous is.

14 And that determined -- and their best -- now, they had  
15 to do something. They were between a rock and a hard place. And  
16 nobody wants to appreciate that. They were between a rock --  
17 they were between a court order and an accusation of negligence.  
18 They had to do something.

19 In their professional judgment, they brought out -- I  
20 did not say that the people were not concerned. Mr. Campoy was  
21 closely monitoring the situation. Mr. Novey's concern was not  
22 over, as I recall his testimony, was not over the security  
23 precautions that were being taken. It was over the wisdom of  
24 doing this -- the basic security of doing it at all. In other  
25 words, Don Novey's concern was: Why are we doing this at all?  
26 Not, are we doing this as safely as we can given the fact that we  
27 have to do it. Now, those are two difference concerns.  
28



1 And the problem with Denise Stanfield's testimony is,  
2 the only thing she said to Smith, allegedly said to Smith, was,  
3 "The vibes in this unit are funky." Now, I'm not sure that warns  
4 anybody of anything. I don't know what that means. I never  
5 have.

6 CHAIRMAN ROBERTI: Officer Smith, in his deposition,  
7 seemed to indicate that she made a greater warning than that.  
8 That seems to be --

9 MR. PRAHL: I'm referring to Denise Stanfield's  
10 testimony. She said under oath that that's all she said, and  
11 those were her exact words.

12 CHAIRMAN ROBERTI: She's shaking her head. Why don't  
13 you come on up, Officer Stanfield with your attorney.

14 MR. PRAHL: I'd like to finish my presentation, if I  
15 can.

16 CHAIRMAN ROBERTI: Yes, we'll let you continue. She'll  
17 just come on up here, and when you're finished, I'll let her  
18 address the point.

19 MR. PRAHL: The final point that I'd like to make is,  
20 Denise Stanfield was cross examined extensively at the hearing in  
21 San Francisco, and she was thoroughly discredited. Her testimony  
22 was thoroughly impeached on cross examination.

23 This particular incident, the November of '83 incident,  
24 was --

25 CHAIRMAN ROBERTI: Who was the cross examiner?

26 MR. PRAHL: They were people from our office. The  
27 attorneys involved in defending the contempt citation.  
28

1           This incident was probably held under a tighter  
2 microscope, with more scrutiny, and any incident in California  
3 Correctional history. No less than six or seven law firms  
4 representing the Plaintiffs in this particular case were  
5 involved. No less than Pillsbury, Madison and Sutro were the  
6 lead counsel in the case. Depositions were taken --

7           CHAIRMAN ROBERTI: Lead counsel for whom?

8           MR. PRAHL: Plaintiffs. Pillsbury, Madison and Sutro  
9 are lead counsels for Plaintiffs in this particular piece of  
10 litigation. Pillsbury, Madison and Sutro does not lack resources  
11 to conduct investigative activities. Thousands of pages of  
12 deposition were taken; thousands of documents were produced; an  
13 evidentiary hearing was held in San Francisco; Judge Weigel heard  
14 all the testimony from all of the people and arrived at a  
15 decision there was no violation of any of his court orders.

16           The matter had been referred to the United States  
17 Attorney's Office in San Francisco, and no action has been taken  
18 by the United States Attorney. To the best of our information,  
19 the matter is -- the U.S. Attorney has completed their  
20 investigation and plans no further activity.

21           Now, what that signals to you is that nothing of an  
22 improper nature occurred there. You cannot possibly duplicate  
23 the activities --

24           CHAIRMAN ROBERTI: I don't know what their charge is, if  
25 I might interject. Is their charge to find illegal activity, or  
26 is their charge to find negligence?

27  
28

1 MR. PRAHL: Their charge is to find whether or not a  
2 court order, issued by Judge Weigel, had been violated either  
3 intentionally or unintentionally. If there had been negligence  
4 on the part of any of the people who were Respondents to the  
5 contempt action, Plaintiffs' contention was that that would have  
6 been actionable as contempt. Negligent failure to protect in the  
7 face of court orders, their contention was, would have been  
8 actionable.

9 I want to stress again that when this matter was heard  
10 in a forum where people are under oath, where people are sworn to  
11 tell the truth, it did not result in an adverse finding.

12 I also want to point out to you just finally, we have  
13 two letters that we'd like to submit to the Committee. Both  
14 dated in June by correctional officers who, when informed of  
15 Denise Stanfield's testimony under oath, referring to them,  
16 signed statements indicating that her testimony was, in fact,  
17 inaccurate. And we'll provide those to the Committee.

18 Finally, with regard to the May 4th, 1984 incident,  
19 you've got to keep in mind that in November of '83, Denise  
20 Stanfield phoned Plaintiffs' counsel and informed them of what  
21 she thought was a problem at Folsom State Prison. By May of  
22 1984, she's already had her deposition taken; she's been deeply  
23 involved in this whole investigation of the November, '83  
24 incident, yet in May of '84, she now comes before you and, in an  
25 unsworn statement, tells you that she saw a weapon somewhere in a  
26 building and didn't know what to do about it. She told somebody,  
27 and they didn't pay any attention to her.  
28



1           SENATOR PETRIS: She didn't say she saw any weapons.  
2 She said that she was reliably informed that there were weapons  
3 being passed around. She didn't say she saw a weapon.

4           MR. PRAHL: I'll defer to that.

5           In any event, she became aware of the fact that there  
6 were weapons in the institution, and she brought it to someone's  
7 attention, and they didn't do anything about it.

8           Now, that is inherently incredible in light of Ms.  
9 Stanfield's earlier experience in November of '83, dealing with  
10 the November incident. She knows the U.S. Attorney is involved  
11 in investigating activities at Folsom; she knows that the federal  
12 court is concerned over conditions at Folsom; she knows that  
13 Plaintiffs' counsel, she's already been in touch with Plaintiffs'  
14 counsel. She's got her own attorney sitting right next to her,  
15 who was there at the deposition taken in connection with this  
16 case, and she says she just didn't know who to turn to to bring  
17 that to the attention of the institution.

18          Finally --

19          SENATOR PETRIS: I don't think she said that either.  
20 She said she complained to her immediate colleagues, and they  
21 scoffed at her and told her to go home and have a drink.

22          That's a lot different from saying: I didn't say  
23 anything to anybody because I didn't know who to go to.

24          Bear in mind, this is the same time that all this other  
25 concern is being expressed -- oh, no, that's the other incident.  
26 I withdraw it.

27  
28

1 MR. PRAHL: This is May, when she's already been through  
2 all this. She knows who she can go to if there's --

3 MS. STANFIELD: May of last year.

4 MR. PRAHL: I'm not going to argue with you, Ms.  
5 Stanfield.

6 CHAIRMAN ROBERTI: Let me read from the judge's  
7 decision, because I think it's very important.

8 You're saying that negligence. My contention, my thesis  
9 is that negligence, for my purposes, in passing upon a  
10 confirmation in this area, is almost as serious, but not as  
11 serious, as intentional attempt to thwart the court order, or to  
12 create an adverse situation in the prison.

13 But the judge stated:

14 "To establish civil contempt, movements  
15 must show by clear and convincing evidence  
16 that a specific order of the court has  
17 been violated. Normally proof of that  
18 intent is not necessary.

19 "As to antiretaliation and anti-  
20 subversion orders, clear and convincing  
21 proof of intent is required, however,  
22 because intent is itself an essential  
23 element of contumacious retaliation or  
24 subversion.

25 "Plaintiffs' allegations are  
26 supported by significant circumstantial  
27 evidence; however, that evidence is  
28



1           insufficient to meet the heavy burden  
2           of proof applicable to the antiretaliation  
3           and antisubversion aspects of Plaintiffs'  
4           motion.

5                     "Accordingly, the motion for an  
6                     adjudication of contempt as to these  
7                     orders is denied."

8           In other words, the judge is saying that intent was  
9           necessary in order to get a finding of civil contempt. Mere  
10          negligence would not have gotten the court to rule in favor of  
11          the Plaintiffs. So, the issue of negligence in implementing this  
12          order is still very much an open question.

13          My thesis is that per chance Mr. Campoy and other  
14          administrators at the prison did not intend for this situation to  
15          come about, but to mix a minority of one racial oriented gang  
16          with another the day you relaxed emergency restrictions on two  
17          tiers was negligent. Not only speaking as a layman, but I think  
18          speaking as somebody with an element of common sense, I think  
19          that's clear to everybody except those who don't want to see it  
20          that way.

21          And contrary to your statement, which you gave in  
22          testimony to us, I'd say you're incorrect, because the judge  
23          never stated that he was finding on the issue of negligence. He  
24          only stated that he was finding on the issue of intent. The  
25          negligence issue is still open.

26          So, I think you misread, to be generous the judge's  
27          statement.  
28

1 MR. PRAHL: What I said was, Plaintiffs' counsel argued  
2 that negligence alone would be sufficient. The judge's finding  
3 makes no finding. All he says is that there is circumstantial  
4 evidence --

5 CHAIRMAN ROBERTI: I grant that. That's not the way you  
6 were testifying five minutes ago, however. You made it very  
7 clear that you felt that the issue of negligence has been  
8 disposed of.

9 MR. PRAHL: I said that Plaintiffs' counsel had argued  
10 that negligence alone would be sufficient, but the judge made no  
11 adverse finding with respect to the Respondents in this  
12 particular action.

13 CHAIRMAN ROBERTI: My point is, the issue of negligence  
14 has never been adjudicated; it's very much in front of us. The  
15 issue of negligence was never brought before the court, and that  
16 issue is still very much a part of our decision making process.

17 MR. PRAHL: The record in this particular case on the  
18 issue of negligence does not support any finding except one in  
19 hindsight that in fact an incident did occur.

20 CHAIRMAN ROBERTI: With all due respect, if you're  
21 calling this hindsight, then I would say that no Legislature, no  
22 court of inquiry should ever look back on anything because  
23 counsel is always going to say it's hindsight.

24 MR. PRAHL: No, I've tried to lay out the facts for you  
25 as best I can that, in fact, there was a series of movements  
26 designed and in place and under way to change the character of  
27 those cell blocks, those tiers. I'm trying to tell you that in  
28

1 fact they did have security measures in place. They tried moving  
2 the inmates in a group, and it worked out. They had some  
3 empirical success with this.

4 You're saying one day isn't enough. Well, one day is  
5 how you start.

6 They felt -- they were apprehensive about it. There's  
7 no doubt about that. But they had to do something. They were in  
8 the position of having to make the moves. And they had an  
9 incident, but they were -- they had security in place. They  
10 dealt with the incident as it occurred.

11 They have incidents today. That doesn't mean that every  
12 day that they have an incident that there's some negligence.  
13 You're dealing with people who want to stab each other.

14 Denise Stanfield's testified under oath that it would  
15 have happened sooner or later when you bring these people out.  
16 And the reason why is because you have people that want to do  
17 violent acts. And because of that --

18 CHAIRMAN ROBERTI: You're not saying, then, get over  
19 with it sooner; are you?

20 MR. PRAHL: Pardon me?

21 CHAIRMAN ROBERTI: You're not saying that you might as  
22 well get over with it sooner?

23 MR. PRAHL: That's absurd. They have people at the  
24 institution actively trying to maintain order. The problem is,  
25 you have people that are also committed to this particular life  
26 style. And the best laid plans of mice or men, you still have  
27 escapes from institutions, no matter how many security  
28 precautions you take.



1 In this particular instance, they were not free to take  
2 more elaborate precautions because they were under the compulsion  
3 of the threat of an imminent contempt citation unless they got  
4 the Security Housing Unit single-celled.

5 And you can't call that negligent. That's just simply  
6 unfair. You can't place people in these positions and then, when  
7 they take the most informed, rational, calculated moves to  
8 minimize violence, and there's still violence, blame them.  
9 You've got to look to some other problems.

10 CHAIRMAN ROBERTI: Officer Stanfield is here.

11 The point has been made by Mr. Campoy's counsel that  
12 what you said was something to the effect that the vibrations are  
13 funky, or something, and that's all you said.

14 MS. STANFIELD: That was my opening statement to Lt.  
15 Smith when I first talked to him. His response then was: What  
16 do you mean, Stanfield?

17 I then explained that there was a racial mixture that  
18 was uneven on IV and V, and I was afraid of violence.

19 Then his response to me was: Well, I don't know why  
20 Control would do something like that. And he walked away.

21 MR. PRAHL: We have the record of Ms. Stanfield's  
22 testimony. Her and I debating this in front of you is not really  
23 -- the best bet is for you to look at the deposition and  
24 determine what, in fact, Ms. Stanfield testified to under oath,  
25 because she's not under oath now. And her testimony then,  
26 besides being much closer in time to the event, is also recorded  
27 and is under oath.  
28

1           CHAIRMAN ROBERTI: I think we should advise ourselves of  
2 her testimony; however, Senator Petris did read something that  
3 Officer Smith seemed to understand that what she said, whatever  
4 it was, was a warning as to problems in the tiers. So, the  
5 person to whom this report was made seemed to understand it that  
6 way.

7           MR. PRAHL: My understanding of Lt. Smith's testimony is  
8 that he did not understand her statement to be anything other  
9 than a concern that everyone shared over the advisability of  
10 doing this. There was no specific warning of imminent -- what  
11 Ms. Stanfield seems to suggest is that she had some particular  
12 knowledge that it was likely to occur soon. And everyone in the  
13 institution was apprehensive about bringing these people out.

14           The question is whether she communicated anything to Lt.  
15 Smith as to the imminent nature of a problem. And Lt. Smith, as  
16 I recall his testimony, did not feel that anything had been  
17 communicated to him that would cause him any more concern than he  
18 already had.

19           CHAIRMAN ROBERTI: To digress for a moment, I have a  
20 letter here from women correctional officers at Folsom State  
21 Prison in support of Warden Campoy's confirmation, and I believe  
22 it is signed by a little over 30, roughly, I haven't counted  
23 them, and that will be entered into the record.

24           Does anybody have other questions of Officer Stanfield?

25           MS. STANFIELD: I have some other comments.

26           The stabbing -- the killing that took place did not take  
27 place in May of '74. It took place in May of '73.  
28



1 CHAIRMAN ROBERTI: In '83.

2 MS. STANFIELD: I mean '83. That was a year after. So,  
3 I did not make allegations in November and then turn around and  
4 make them again in May of '84. I made those -- that killing of  
5 Free happened in May of '83. Yes, it did.

6 CHAIRMAN ROBERTI: Please identify yourself.

7 MR. ALCALA: Carlos Alcala, the attorney for Ms.  
8 Stanfield.

9 There are, I think, a few things that the Committee  
10 should know.

11 There is first the fact that in any adjudicatory  
12 proceeding, you're going to have gentlemen like Mr. Prah, who is  
13 an advocate. He was an advocate for Mr. Campoy then, and I think  
14 he continues to be an advocate into this hearing.

15 There were two parties at that hearing. There were the  
16 parties that were represented by Prah; there were the parties  
17 that were represented by Mr. Wolinsky, Mr. Rosen, et cetera.

18 But there are also other people that attend hearings,  
19 that attend trials. Those are the citizens who come forward,  
20 either under subpoena or under volition of their own volition,  
21 who act as witnesses. They have nothing to gain, and really are  
22 not the people that stand to lose. They're the people who have  
23 no axe to grind, that simply come forward with information and on  
24 which tribunals, such as yourself or Judge Weigel, or other  
25 judges, must rely.

26 And that's what you had with Denise Stanfield. She was  
27 the only neutral, really neutral person testifying at that  
28

1 hearing. She wasn't going to lose. She wasn't going to be held  
2 in contempt of court, nor was she going to win anything as a  
3 party on the other side.

4 But you did have a lot of other people that stood to  
5 gain or lose something. That's why courts and judges, and I  
6 think tribunals, are I think especially attentive of neutral  
7 people that really have nothing to lose, who simply come forward.

8 And I think it's a shame that when you do have a person  
9 with the courage and the fortitude to say: I'm not going to stay  
10 back and stay uninvolved. I'm going to say what I saw. I'm  
11 going to volunteer and be part of our system of justice. To have  
12 that person's reputation besmirched is, I think, a total  
13 disservice to our system of justice. When people get involved,  
14 when they come forward, when they're willing to have that kind of  
15 courage, I think they're to be congratulated.

16 And I would applaud Denise Stanfield for having that  
17 courage, because she had nothing to gain. And I think the record  
18 is very clear, she had everything to lose by coming forward and  
19 saying the first word.

20 If there's any hindsight that anybody could have seen,  
21 or should be seeing now, it's that I think Denise, in the  
22 position she's in, was it all worth it to have come forward and  
23 told the truth. Did she gain anything? She she win any  
24 injunction? Did she avoid any contempt?

25 On the other hand, did she win a stigma of opprobrium  
26 inside the Department of Corrections? Did she win, or did she in  
27 fact get stuck with something that I don't think the woman  
28

1 frankly deserves, and that is a continuous tirade against her  
2 reputation, which I feel is completely unearned.

3 And to use a deposition for that purpose is even further  
4 disservice. Any attorney knows that what you're trying to do in  
5 a deposition, if you're one side you're trying to limit that  
6 person's testimony, and you try to box them in. So, you'll ask a  
7 leading question, which you're allowed to do, but it's not the  
8 sort of hearing -- but you'll get the sort of question where you  
9 try to box in a person's testimony.

10 It very often happens at trial that people will testify  
11 much more completely to facts under the sort of examination which  
12 takes place at trials, and which generally wasn't being done for  
13 Denise at that time because Denise was not a party. She was a  
14 witness, and there has to be a distinction between the two.

15 I think that another thing that has to be seen is that  
16 Senator Roberti, I think you're completely correct: what the  
17 judge was looking at there was distinctions between intent and  
18 intentional action and negligent action. And it seems to me that  
19 when you mention that we have to look at the full gamut of things  
20 to see whether or not we have an intentional act -- and frankly,  
21 to the common citizen, when you have the sort of things that have  
22 been described here, you know, common sense seems to indicate  
23 maybe there was an intent to embarrass a federal judge. The  
24 federal judge gave an order; we didn't like it; hell, we're going  
25 to embarrass him. Maybe the embarrassment got a little bit out  
26 of line. Maybe it went further than anybody expected. Who  
27 knows?  
28



1           In any event, all the intent stuff has been denied. We  
2 have, I think, whether or not there's negligence, if this was any  
3 other type of court where negligence was being decided, I think  
4 the evidence of negligence, at least -- I mean, you have a dead  
5 man; you have other people stabbed; you have the fact that the  
6 lockdown ends the same day that people are put on the tier.

7           I mean, some people can deny that is negligence, but  
8 certainly it would be a very difficult case to argue if  
9 negligence was being argued to a jury. You just don't have all  
10 kinds of bodies lying around, have the knives in the hands of the  
11 people who did it, and say: Well, there doesn't really seem to  
12 have been any negligence whatsoever. I just think that that's a  
13 really reaching position, especially the end to the lockdown.  
14 That seemed to have been the most outrageous of all.

15           But in any event, with regard to Denise, she has also  
16 indicated, and apparently Mr. Prahll has made quite a point of the  
17 fact, that she's not here under oath. If there's any doubt as to  
18 the accuracy of her testimony, she's volunteered to make her  
19 statements under oath, sign a declaration to the same effect. If  
20 that is any issue whatsoever, we should remove that.

21           CHAIRMAN ROBERTI: I tend to agree. I don't think we  
22 should single out the fact that Officer Stanfield's not under  
23 oath; nobody's under oath.

24           MR. PRAHL: I would like to briefly respond, if I may.

25           CHAIRMAN ROBERTI: Yes.

26           MR. PRAHL: First of all, Ms. Stanfield had a great deal  
27 to gain. The deposition testimony indicated that she had earlier  
28

1 filed a claim of racial discrimination against people at Folsom  
2 Prison, and one of the people that she had filed it against was,  
3 in fact, Mr. Campoy and several of the other people involved in  
4 the contempt action.

5 Interestingly enough, her claim of racial  
6 discrimination, as I recall it, did not include any claims of  
7 sexual harassment. This is something that apparently she brought  
8 forward for the first time at this point.

9 CHAIRMAN ROBERTI: I asked her a question. She didn't  
10 volunteer the information.

11 MR. PRAHL: I understand that, but I'm just saying, the  
12 earlier claim was one of racial discrimination, and she was  
13 deeply involved in pursuing that action at the time when she made  
14 these allegations against the operation of the institution.

15 Second of all, the notion that someone would go to the  
16 length or that people would go to the length to embarrass a  
17 federal judge or to resist a court order by precipitating  
18 violence within an institution, you must remember the federal  
19 judge is not going to be stabbed. There are only two people that  
20 are going to be stabbed when there's violence in an institution,  
21 and that's a correctional officer or an inmate.

22 CHAIRMAN ROBERTI: Let me go back to your point.

23 What does the fact that Officer Stanfield filed a  
24 petition of racial discrimination have to do with whether she has  
25 anything to gain or not?

26 MR. PRAHL: She testified under oath that she had  
27 adverse feelings against Mr. Campoy and several of the other  
28



1 people that were involved in the contempt citation before  
2 offering her statements to the federal court.

3 CHAIRMAN ROBERTI: What does that have to do with  
4 whether she has anything to gain or not?

5 MR. PRAHL: It shows that she has a bias against the  
6 people that she's offering testimony against.

7 CHAIRMAN ROBERTI: In other words, she files a  
8 declaration of a race -- which is her right under the law, she's  
9 now going to be impugned for bias for having filed this?

10 MR. PRAHL: I'm saying it's a factor that can be taken  
11 into account. If a person has a belief that someone is acting  
12 adverse to them, and then files a charge against them, which is  
13 later determined to be unfounded --

14 CHAIRMAN ROBERTI: Who found it unfounded?

15 MS. STANFIELD: The Department.

16 MR. PRAHL: I'm talking about her allegations with  
17 respect to the November incident.

18 CHAIRMAN ROBERTI: That wasn't very clear. Everybody  
19 has a right to file.

20 MR. PRAHL: I'm not quarreling with that.

21 CHAIRMAN ROBERTI: Let me finish.

22 I don't think it's fair to say they have something to  
23 gain because they file a declaration of racial bias. The  
24 Department disposes of that allegation. I don't know if she  
25 filed it anywhere else, but I take it she didn't. She followed  
26 proper channels, which everybody says that's what the officers  
27 should do: follow proper channels.  
28

1 Now when they follow proper channels, they're told that  
2 their testimony's being impugned. It all gets to the point that  
3 it makes no difference you're hide or seek, or whatever, no  
4 matter what you do, if you don't go along, even if you pursue  
5 your rights under the law, and that is to file with the  
6 Department an allegation of racial bias, whether the Department  
7 sees it that way or not, you follow channels, a neutral observer  
8 is going to be said to have something to gain if she steps  
9 forward.

10 I don't accept that myself. Others may, but I don't  
11 accept it myself. It's a fine how-do-you-do to somebody who  
12 pursue their rights and files racial bias, whether she's right or  
13 wrong, is then alleged to have something to gain when she steps  
14 forward as a neutral observer.

15 MR. PRAHL: The point I was trying to make is that  
16 Denise Stanfield testified under oath --

17 CHAIRMAN ROBERTI: Better she should keep her mouth shut  
18 and never say anything, and everybody would treat her much  
19 better, I guess.

20 MR. PRAHL: -- that she already had adverse feelings  
21 against Mr. Campoy before she ever brought this incident to  
22 someone else's attention.

23 And that is a factor which you can take into account in  
24 believing the person's testimony. If they already have adverse  
25 feelings against a person, they are not neutral. They have, by  
26 definition, they already have made up their mind against that  
27 person. That's what I'm offering that for.  
28

1 CHAIRMAN ROBERTI: I think your observation was  
2 something to gain.

3 MR. PRAHL: That concludes my presentation.

4 CHAIRMAN ROBERTI: Thank you very much.

5 Any questions?

6 I would like to touch a little bit on the allegations  
7 that there is nepotism at the institution. I use the word  
8 nepotism not in the sense necessarily of legality or illegality,  
9 but in the sense of people related in large numbers being present  
10 at the prison employment.

11 Our understanding is that out of 830, 157 out of 830  
12 employees at Folsom are related.

13 MR. CAMPOY: I'll respond to that.

14 I didn't count the numbers. I do know there are about  
15 830 employees.

16 I would like to quote the Departmental policy on  
17 nepotism. This is out of the Administrative Manual, which is  
18 Section 2500, Article 6. I won't quote the whole thing, but in  
19 order for nepotism to be in place:

20 "The employees must work in a small  
21 unit in close association with each  
22 other. A small unit is usually  
23 composed of three or six employees  
24 with a first line supervisor, or  
25 they have a direct supervisor sub-  
26 ordinate relationship."

27  
28

1 None of these things were in place, Senator.

2 CHAIRMAN ROBERTI: How are people hired? What's the  
3 process?

4 MR. CAMPOY: That's an excellent question, and I was  
5 going to explain it had you not asked.

6 Everybody hired at the prison, at the entry level for  
7 every position, is by a civil service examination. They compete  
8 for these jobs, and they get on a list, and they're hired from  
9 the list.

10 CHAIRMAN ROBERTI: Which list is this?

11 MR. CAMPOY: Well, there's a correctional officer list,  
12 which is made up from successful competitors that take the  
13 correctional officer examination, and that's the entry level.  
14 Following that, there's the correctional sergeant list, which is  
15 done the same way. It's a competitive exam, and that results in  
16 a list being prepared from which hires are made.

17 And there is in the state generally what's called the  
18 Rule of Three, that one of the top three people must be hired.  
19 Basically, that's the way that people are hired. So, if they  
20 take the examination, if they are successful, they get on the  
21 list. One of the top three must be hired.

22 CHAIRMAN ROBERTI: So, theoretically, the lists are  
23 three times larger?

24 MR. CAMPOY: The list can be larger than the need, but  
25 in some cases the list can also be exhausted.

26 CHAIRMAN ROBERTI: So, you have discretion as to the one  
27 out of the three?  
28



1 MR. CAMPOY: There is some discretion, yes.

2 CHAIRMAN ROBERTI: In the report of the State Personnel  
3 Board on the issue of favoritism, their report reads:

4 "The former and on-leave employees  
5 believe ..."

6 They're talking about employees believing.

7 MR. CAMPOY: Yes.

8 CHAIRMAN ROBERTI: "... that reasons for many  
9 assignments are improper because  
10 they are too often based upon non-  
11 job related factors such as friend-  
12 ship with supervisors and nepotism.  
13 That state that if someone raises  
14 a legitimate complaint, that person  
15 generally is given a poor assignment.

16 "Approximately one-third of  
17 the present staff believes that  
18 there are too many assignments  
19 made for improper reasons such as  
20 those identified above. Typically,  
21 those who felt there was too much  
22 favoritism believed that more weight  
23 should be placed on seniority in  
24 making job and watch (shift) assign-  
25 ments."

26 MR. CAMPOY: Many of the jobs are filled by seniority.  
27 Management does reserve the right to fill some of the jobs out of  
28 seniority.



1 I would appreciate getting a list of those people that  
2 it's felt were hired or not hired based on the factors that  
3 you've stated, Senator. And I would appreciate the opportunity  
4 to deal with that.

5 CHAIRMAN ROBERTI: I sure would love to give it to you.  
6 I have it here.

7 MR. CAMPOY: I realize that it's pretty easy to make an  
8 accusation that the job is filled by favoritism.

9 CHAIRMAN ROBERTI: I don't think the accusation has been  
10 made that anything illegal has taken place.

11 I think it is fair to say that an inference could be  
12 drawn that discretion seems to have been directed toward hiring  
13 relations rather than a more hands off attitude.

14 MR. CAMPOY: I don't believe that to be true, Senator.

15 CHAIRMAN ROBERTI: I'm saying what the inference could  
16 be drawn, and I'll let you respond. And that in and of itself  
17 can create, as it appears it has created, feelings of favoritism.

18 Whether that's true or not, administratively it strikes  
19 me that when you have a high number of relatives working,  
20 somebody's going to feel, and it's going to create an adverse  
21 situation, that favoritism is taking place.

22 MR. CAMPOY: Folsom has been a small community for many  
23 years. For about as long as the town of Folsom and the Prison of  
24 Folsom have existed, the prison at Folsom has been the largest  
25 industry in the town. And obviously, the people like the town;  
26 they're going to try to get a job in that particular town. So  
27 they compete for the jobs, and if they're successful, they get  
28 the jobs. And that's whether or not they are relatives.

1           Additionally --

2           CHAIRMAN ROBERTI:   You hire from outside of Folsom?

3           MR. CAMPOY:   Absolutely.

4           And as a matter of fact, we could probably fill most of  
5   our promotional transfers, and even some of our entry level  
6   vacancies, with transfers from other institutions.   So, I think  
7   that that speaks well for Folsom.   And if the conditions are as  
8   bad as some people have claimed here, I think that would be known  
9   throughout the system, and I don't believe that people would be  
10   standing in line trying to get a job at Folsom.

11          CHAIRMAN ROBERTI:   Was Officer Zink, who testified, ever  
12   in a close work situation with her husband?

13          MR. CAMPOY:   No, sir.   Officer Zink is a lieutenant, and  
14   at one time when Captain Zink made captain, she was removed from  
15   that particular assignment, and she kept the assignment but it  
16   was assigned to report to another person.   Subsequently, she was  
17   transferred entirely out of that division.

18          CHAIRMAN ROBERTI:   Weren't they working in the same  
19   small work environment?

20          MR. CAMPOY:   No, sir, they were not.

21          CHAIRMAN ROBERTI:   How many other people would have been  
22   in that unit?

23          MR. CAMPOY:   Probably -- you mean at custody?   There are  
24   651 officers in the custody unit.

25          CHAIRMAN ROBERTI:   In her unit, what her particular duty  
26   at that time?

27          MR. CAMPOY:   As Personnel Lieutenant?  
28

1 CHAIRMAN ROBERTI: Yes.

2 MR. CAMPOY: That consisted of probably three or four  
3 individuals.

4 CHAIRMAN ROBERTI: In Personnel.

5 MR. CAMPOY: Yes, three or four individuals probably.

6 CHAIRMAN ROBERTI: What was her husband doing at that  
7 time?

8 MR. CAMPOY: At that time that I'm sure is being  
9 questioned here, her husband was a captain. She was not  
10 reporting to the captain.

11 CHAIRMAN ROBERTI: What unit was he in? Was he in  
12 Personnel?

13 MR. CAMPOY: The Captain?

14 CHAIRMAN ROBERTI: Yes.

15 MR. CAMPOY: No, sir. He was in charge of all the  
16 uniformed people, the majority of the uniformed people. The  
17 majority of the custodial officers.

18 CHAIRMAN ROBERTI: How many people would have been under  
19 him?

20 MR. CAMPOY: Under the captain? I'd say 600, probably.

21 CHAIRMAN ROBERTI: He had 600 people under him?

22 MR. CAMPOY: Yes, sir.

23 CHAIRMAN ROBERTI: How many people reported to him?

24 MR. CAMPOY: Well, through the chain of command,  
25 practically all of them.

26 CHAIRMAN ROBERTI: All 600 would report directly to him?

27 MR. CAMPOY: Not directly.  
28

1 CHAIRMAN ROBERTI: How many directly?

2 MR. CAMPOY: I would estimate 14 lieutenants.

3 CHAIRMAN ROBERTI: Does that include the person to whom  
4 Lt. Zink reported?

5 MR. CAMPOY: No, no, that was a higher ranking  
6 individual.

7 If I tried to remove the relatives, I'd have the biggest  
8 fight on my hands. It would be an impossibility.

9 CHAIRMAN ROBERTI: I don't think there's been a  
10 suggestion that you remove anybody. I think the suggestion is  
11 the common sense involved in initially hiring so relatives.

12 MR. CAMPOY: In law enforcement throughout the entire  
13 country, that I'm aware of, this is not uncommon at all. In  
14 fact, it has been encouraged in police departments, fire  
15 departments, many other people do it, in private business. It's  
16 not -- it's not unique to Folsom Prison, Senator.

17 CHAIRMAN ROBERTI: I'm sure the Los Angeles Police  
18 Department doesn't have too many husband and wife teams, but  
19 maybe they do.

20 MR. CAMPOY: I just read an article in the  
21 Los Angeles Times, there are four brothers who followed their  
22 father. All of them are battalion chiefs, as I recall. It's not  
23 an uncommon practice.

24 CHAIRMAN ROBERTI: There was one other set of questions  
25 that we were going to ask you.

26 Any further questions on this? Senator Petris.  
27  
28



1           SENATOR PETRIS: On that relationship question, we have  
2 the name of Mr. Potter, Stewart Potter, Associate Warden. He's  
3 related as an in-law, I understand? What is he, a son-in-law?

4           MR. CAMPOY: Stewart Potter? Stewart Potter is the  
5 Deputy Warden. He was appointed by the Director to that job.

6           Stewart Potter --

7           SENATOR PETRIS: That's not an appointment made by you?

8           MR. CAMPOY: No, sir.

9           SENATOR PETRIS: He's a career man, I guess?

10          MR. CAMPOY: Absolutely.

11          SENATOR PETRIS: Can you comment on it further?

12          MR. CAMPOY: Sir?

13          SENATOR PETRIS: Can you comment on it any further?

14          MR. CAMPOY: I'm sorry, I didn't hear that, Senator?

15          SENATOR PETRIS: Tell us a little bit more about it.

16          MR. CAMPOY: Sure.

17          Okay, for about 25 years or so, Mr. Potter and myself  
18 were door-to-door neighbors. His daughter and one of my sons  
19 grew up together. Eventually they were married. That's how that  
20 relationship came about.

21          SENATOR PETRIS: Thank you.

22          CHAIRMAN ROBERTI: Senator Doolittle.

23          SENATOR DOOLITTLE: Back to Officer Morrison for a  
24 minute, who resigned.

25          Was she under investigation prior to her resignation?

26          MR. CAMPOY: As a matter of fact, Senator, the  
27 investigation had been completed, and I had issued Officer  
28



1 Morrison a letter of reprimand for inappropriate behavior with  
2 the inmate that's already been described here and the one that  
3 testimony's already been given that she's visiting at San  
4 Quentin.

5 SENATOR DOOLITTLE: What was the inappropriate behavior?

6 MR. CAMPOY: She was in effect observed in a hugging  
7 situation with this inmate. Later, she called the officer that  
8 observed this on the telephone, and she told this particular  
9 officer that she had to do it because this particular inmate was  
10 so young, and he was doing so much time.

11 As a result of this, she was issued a letter of  
12 reprimand. A letter of reprimand is the mildest form of  
13 discipline that an employee undergoes.

14 On the day of the hearing, there was a hearing held, her  
15 attorney came to me and requested that if I were to remove the  
16 charges, that she would resign. I didn't want to remove those  
17 charges. Eventually, after consultation with my own counsel, I  
18 was represented, and obviously Ms. Morrison was represented, we  
19 did negotiate a resignation.

20 This resignation was duly recorded by the hearing  
21 officer or the State Personnel Board referee that finally heard  
22 the case. So, this is all a matter of record with the State  
23 Personnel Board.

24 I think that it's significant that immediately following  
25 her resignation that she started visiting the inmate, which is  
26 not illegal under the circumstances. But it's my opinion that  
27 the relationship that existed prior to her termination must have  
28

1 been such -- and I don't think that that kind of a relationship  
2 could have been made in such a short time following her  
3 resignation.

4 It's amazing to me that an officer would resign her  
5 position when being faced with the mildest form of discipline  
6 that can be applied.

7 SENATOR DOOLITTLE: And as part of her agreement, did  
8 she indeed agree that she would never again seek employment with  
9 the Department of Corrections?

10 MR. CAMPOY: Yes, sir. As part of the negotiated  
11 agreement, which is a matter of State Personnel Board record, she  
12 has agreed never to seek employment again with the Department of  
13 Corrections, the Youth Authority, or the parole agency.

14 SENATOR DOOLITTLE: Thank you.

15 CHAIRMAN ROBERTI: Officer Mello indicates that she was  
16 reprimanded for taking the alarm box home. That subsequently an  
17 Officer Lee took the alarm box home and was not written up.

18 MR. CAMPOY: I heard that testimony.

19 CHAIRMAN ROBERTI: Can you explain to me what the alarm  
20 box is? And secondly, if that's your understanding of the  
21 situation.

22 MR. CAMPOY: An alarm box is a personal alarm device  
23 that the officers wear, and when there is an incident of some  
24 kind, they push the button and it triggers an alarm, and that of  
25 course creates the situation where officers respond to the alarm  
26 area. It's somewhat like a beeper, only it works in reverse. It  
27 sends out the signal rather than receives the signal.  
28

1 I'm not familiar with what she was talking about. This  
2 happened, as close as I can recall, she left our employ at least  
3 three or possibly four years ago, and this was never brought to  
4 my attention. At that time I probably was an Associate Warden.

5 It's my expectations that all situations are  
6 investigated and dealt with as fairly as possible. It's kind of  
7 hard to make a judgment four years later as to why any particular  
8 action was taken.

9 CHAIRMAN ROBERTI: So you know of no situation that  
10 Officer J.T. Lee took the alarm box home?

11 MR. CAMPOY: I'm not aware of that, and if there were  
12 mitigating circumstances one way or another, I'm not aware of  
13 that.

14 CHAIRMAN ROBERTI: During the testimony last week, you  
15 indicated that you knew of only one instance of sexual  
16 harassment. The State Personnel Board has indicated that at  
17 least four have come to your attention in their report.

18 MR. CAMPOY: I may have misspoke. At this time, I'm  
19 still not aware of the one beyond Rachel Lopez. I'm aware of the  
20 circumstances surrounding the magazine. I had that investigated  
21 with inconclusive results. There was nobody that -- obviously,  
22 nobody was going to step forward and admit it; nobody could be  
23 found to -- that could be tied to that situation.

24 That was concluded also at the Departmental level with  
25 the conclusion that there was in fact no sexual harassment. That  
26 was my reason for making that statement.

27

28

1 Of the other two, at this time I can't recall them,  
2 Senator.

3 CHAIRMAN ROBERTI: Any other questions? Do I hear a  
4 motion?

5 SENATOR DOOLITTLE: I move the confirmation of Mr.  
6 Campoy.

7 CHAIRMAN ROBERTI: Senator Doolittle moves Mr. Campoy's  
8 confirmation be recommended to the Floor do pass.

9 Any further discussion or debate? Secretary will call  
10 the roll.

11 SECRETARY WEBB: Senator Doolittle.

12 SENATOR DOOLITTLE: Aye.

13 SECRETARY WEBB: Senator Mello.

14 SENATOR MELLO: Aye.

15 SECRETARY WEBB: Senator Petris. Senator Craven.

16 SENATOR CRAVEN: Aye.

17 SECRETARY WEBB: Senator Roberti.

18 CHAIRMAN ROBERTI: No.

19 The vote is three to one. Mr. Campoy's confirmation is  
20 recommended to the Floor.

21 (Thereupon this hearing of the  
22 Senate Rules Committee adjourned  
23 at approximately 8:10 p.m.)

24 --oo0oo--  
25  
26  
27  
28



CERTIFICATE OF SHORTHAND REPORTER

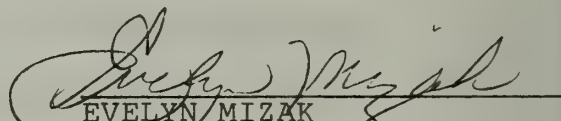
I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

10<sup>th</sup> day of March, 1985.

  
EVELYN MIZAK  
Shorthand Reporter





















